

HOUSE OF REPRESENTATIVES—Monday, November 4, 1985

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Be exalted, O Lord, in Thy strength! We will sing and praise Thy power.—Psalm 21:13.

We admit our weaknesses, O God, and we know our limitations. In this, our prayer, we ask that Your boundless power will encourage us to rise above the common level of life to do those things that give meaning to honor, truth, and justice. Leave us not comfortless but may Your spirit lift us to levels of service to all Your people. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3669. An act to prevent the disinvestment of the Social Security Trust Funds and other trust funds.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 1210) "An act to authorize appropriations to the National Science Foundation for the fiscal year 1986, and for other purposes."

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 1042), "An Act to authorize certain construction at military installations for fiscal year 1986, and for other purposes," agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. THURMOND, Mr. WARNER, Mr. HUMPHREY, Mr. EAST, Mr. BINGAMAN, Mr. STENNIS, and Mr. HART to be the conferees on the part of the Senate.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-122)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

(For message, see proceedings of the Senate of Friday, November 1, 1985, at page 30299.)

CONSENT CALENDAR

The SPEAKER. This is the day for the call of the Consent Calendar. The Clerk will call the first bill on the Consent Calendar.

ADAM BENJAMIN, JR., VETERANS' ADMINISTRATION OUTPATIENT CLINIC

The Clerk called the bill (H.R. 1361) to designate the Veterans' Administration Outpatient Clinic to be located in Crown Point, IN, as the "Adam Benjamin, Junior, Veterans' Administration Outpatient Clinic."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LUNGREN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

DIRECTING THE SECRETARY OF THE INTERIOR TO RELEASE CERTAIN RESTRICTIONS IN A PREVIOUS CONVEYANCE OF LAND TO THE TOWN OF JEROME, AZ

The Clerk called the bill (H.R. 1593) to direct the Secretary of the Interior to release on behalf of the United States certain restrictions in a previous conveyance of land to the town of Jerome, AZ.

There being no objection, the Clerk read the bill, as follows:

H.R. 1593

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior shall release, by quitclaim deed or other good and sufficient instrument, on behalf of the United States, with respect to the land described in

subsection (b) which was conveyed by the United States to the town of Jerome, Arizona, by a patent numbered 497894, all conditions on such patent which required that such land be used for cemetery or park purposes.

(b) The land referred to in subsection (a) which was conveyed to the town of Jerome, Arizona, on November 8, 1915, by a patent numbered 4978894, is all of the southeast quarter of section 30, township 16 north, range 3 east of the Gila and Salt River meridian, Arizona, containing forty acres.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXEMPTING CERTAIN LANDS IN THE STATE OF MISSISSIPPI FROM A RESTRICTION SET FORTH IN THE ACT OF APRIL 21, 1806

The Clerk called the bill (H.R. 1795) to exempt certain lands in the State of Mississippi from a restriction set forth in the act of April 21, 1806.

There being no objection, the Clerk read the bill, as follows:

H.R. 1795

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the restriction set forth in the proviso in section 5 of the Act of April 21, 1806 (2 Stat. 401) shall not apply to—

(1) the land conveyed by the Yazoo Mississippi Valley Railroad Company to the City of Natchez by a deed dated June 20, 1945, and recorded on page 177 of deed book 5-J in the records of Adams County in the State of Mississippi; and

(2) the land conveyed by the City of Natchez to Sim C. Callon by a deed dated June 12, 1984, and recorded on page 402 of deed book 16-J in the records of Adams County in the State of Mississippi.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DIRECTING THE SECRETARY OF THE INTERIOR TO RELEASE A REVERSIONARY INTEREST IN CERTAIN LANDS IN ORANGE COUNTY, FL

The Clerk called the bill (H.R. 1740) to direct the Secretary of the Interior to release a reversionary interest in certain lands in Orange County, FL, which were previously conveyed to Orange County, FL.

There being no objection, the Clerk read the bill, as follows:

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Boldface type indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

H.R. 1740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELEASE OF REVERSIONARY INTEREST.

(a) RELEASE.—

(1) To ORANGE COUNTY, FLORIDA.—The Secretary of the Interior, on behalf of the United States, shall release to Orange County in the State of Florida the reversionary interest of the United States contained in the deed described in paragraph (3).

(2) REVERSIONARY INTEREST.—The reversionary interest referred to in paragraph (1) is the condition which provides that title to the lands described in the deed shall revert to, and revert in, the United States if the lands cease to be used for recreational purposes or if such lands are deemed to be necessary for national defense.

(3) DEED.—The deed referred to in paragraph (1) is the quitclaim deed dated February 11, 1972, by which the United States conveyed to Orange County, Florida, a site of approximately 1,200 square feet on the Apopka-Vineland Road, formerly used by the United States as a radar site.

(b) CONDITION OF RELEASE.—The Secretary shall release the reversionary interest described in subsection (a)(2) only if Orange County, Florida, agrees to use any proceeds from the sale of the land referred to in subsection (a)(3) for park and recreation purposes (including the construction of buildings and facilities for the storage of equipment and materials used for park and recreation purposes).

With the following committee amendment:

Page 2, line 17, strike "1,200" and insert "12,000".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GORDON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bills just passed.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

WHAT COAST-TO-COAST NEWS-PAPERS HAVE TO SAY ABOUT GRAMM-RUDMAN

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I had time this weekend to spend going through newspapers in all parts of this country and find out what they had to say about the Gramm-Rudman plan.

I wish I could tell you each part; all I can say is they go from coast to coast; from North to South. What we really find here is that when neutral

people on the outside have had time to look at the Gramm-Rudman plan, here are some of the things they have called it.

"A shameful sham; political, fiscal and moral nonsense; a fiscal farce; Mickey-Mousing; a tinker toy; mockery; a public relations gimmick; posturing; risk Abacadabra; a debtor's game; a slap-dash measure; game playing; no-nothing legislation; deception; slickest trick; sheer madness; boomerang"; and on, and on, and on.

Basically it is not a deliberative document dealing with the deficit. Basically, that is what the House alternative is. I hope that people look at these newspaper reviews and study them with great care because we certainly are beginning to see that they are deliberating over this much more than the other body did.

A LOST WEEKEND FOR SOCIAL SECURITY

(Mr. ROBERT F. SMITH asked and was given permission to address the House for 1 minute.)

Mr. ROBERT F. SMITH. Mr. Speaker, I think Congress ought to pay for its own days off.

I am now preparing legislation to assure that the Social Security Trust Fund is repaid every last nickel of interest lost because of this Congress' urge to take a weekend off. I hope I'm not the only person here who feels a responsibility.

Last Friday, faced with a choice of staying here to settle the problem of a national debt ceiling or taking the weekend off, leadership threw open the door of this Chamber over my objections and the objections of virtually every Republican in this House.

The cost of our 2 days' relaxation was \$10 million in lost trust fund interest.

Mr. Speaker, the time I have with my family is priceless. Maybe it is worth \$5 million a day. But this isn't my money, and I don't think anyone in this House has a right to steal from Social Security to pay for our days off.

I urge my colleagues here to join me in legislation which guarantees that Social Security will not lose because of our irresponsibility.

VOTE TO DEAUTHORIZE THE ELK CREEK DAM

(Mr. WEAVER asked and was given permission to address the House for 1 minute.)

Mr. WEAVER. Mr. Speaker, I want to ask my friends and colleagues if we are really serious about cutting the deficit or whether it is just rhetoric. We are going to have a test on Wednesday in an amendment to H.R. 6, the water projects bill.

A once-valued project, the Elk Creek Dam in Oregon is no longer considered

worthwhile by the Corps of Engineers. They think it is a waste of money. Thirty-two million dollars has been appropriated but not spent. It is Gramm-Rudman real dollars sitting there to be saved.

The construction of the dam has not begun. You can vote to save that money and another \$70 million needed later by deauthorizing Elk Creek Dam. Here is what the leading newspaper in Oregon, the usually propublic works Oregonian said:

It is such irresponsible and overvalued projects that have given legitimate western water projects a bad name.

The Oregonian wants to build good projects; they do not want to build this one. Save 32 million real Gramm-Rudman dollars. Vote "yes" to deauthorize the Elk Creek Dam.

LEAK OF ALLEGED CIA PLAN AGAINST COLONEL QADHAFI

(Mr. WORTLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WORTLEY. Mr. Speaker, according to press reports, someone has apparently violated the trust placed in them and leaked classified information and materials regarding a plan to destabilize the Libyan Government of Colonel Qadhafi.

Colonel Qadhafi actively supports and sponsors terrorism in other nations and is an aggressor against his neighbors. In my opinion, a plan to combat his activities—even if it means destabilizing his government—would be no more than a justifiable response to the terror, pain, and suffering he has caused in his own nation, the Middle East, and several other countries around the world.

But, Mr. Speaker, regardless of whether or not the infamous source provided accurate information, it is extremely disturbing that sensitive policy options cannot be discussed without the possibility—and even the probability—of some disgruntled individual leaking information. This is neither an appropriate nor an honorable way for participants in policy formulation to express their opposition to policy decisions.

The person responsible for the leak should be found and punished. The majority of people with access to sensitive information argue their positions in an honest manner and behave responsibly if, in the end, the policy decision goes against their advice. But a single leaker can jeopardize a policy and the entire system of policy formulation. Without corrective action, the effect could be paralysis. I congratulate the administration on its determination to find the source of the leak.

This incident contributes to serious concerns about the adequacy of the

current system of protecting sensitive information. I firmly believe it is time for us to take a long and hard look at this problem and have introduced H.R. 3626, to establish a National Commission on Classified Information and Security Clearance Procedures for this purpose. I urge my colleagues to cosponsor this bill and support action on it.

DISINVESTMENT OF SOCIAL SECURITY

(Mr. STRANG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRANG. Mr. Speaker, the Senate was willing to concur with the House-passed temporary extension of the debt ceiling, a measure which I opposed, on Friday. The Senate attempted to call the House Clerk and the House enrolling clerk at 10 p.m., on Friday to make arrangements to have the extension signed. The Senate was told that there was no one around to enroll the bill or sign it to be sent to the President. Everyone had gone home.

The Senate found a discrepancy in the House bill, cleaned it up, and passed a temporary extension. Because the House had adjourned, Mr. Speaker, the Treasury Department proceeded with disinvestment. The process of disinvestment cannot be reversed.

The leadership in this House acted irresponsibly, Mr. Speaker, and allowed the Social Security Trust Fund to be exposed to disinvestment by adjourning and leaving no one here to process the bill from the other body.

There was a near unanimous vote by the Republicans against adjourning the House on Friday. The version of the temporary extension passed by this body was not the version which is printed in the CONGRESSIONAL RECORD, Mr. Speaker. I refer to the RECORD, page No. 30188.

Mr. Speaker, we were sent here in January to do a job. We have not done it for 10 months. We had an opportunity on Friday and we missed it.

The SPEAKER. The Chair would like to state that the House is always available to receive messages. The Clerk is within 5 minutes. The Senate has the Clerk's telephone number. That is the normal procedure that has always been followed. There was no dissidence on the part of the House.

Mr. STANG. I thank the Speaker.

GRAMM-RUDMAN STILL DESERVING OF SUPPORT

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, despite the harsh denunciations we have

heard earlier, both today and last week, I am rising in support of the Gramm-Rudman plan to reduce the deficit.

Some call it a desperate proposal, and even worse, but, Mr. Speaker, our country is facing desperate circumstances. The deficit currently stands at around \$200 billion, and the Government spends \$2.6 billion every day. I cannot understand how anyone can doubt that the seemingly irresistible force of Federal spending will soon crowd our private savings and investments, sapping the United States of jobs and productivity.

Unlike some of my colleagues, I am not satisfied with the congressional response to this dilemma. According to an optimistic forecast by the Congressional Budget Office, the congressional budget resolution for fiscal year 1986 would leave the deficit at an obese \$120 billion in fiscal year 1990. We should compare that figure to the \$36 billion in Gramm-Rudman for fiscal year 1990 or the balanced budget it lays out for fiscal year 1991.

Now, of course, we have the Democratic alternative, but the Democratic House alternative basically guarantees its own unconstitutionality. In other words, from that side we have a new theory: If you make it broke, it will never work.

Mr. Speaker, liberals and other naysayers do not want the President to ride shotgun over the deficit, but I am afraid that without him the rampaging legislators in the House and the Senate may rob America of its economic vigor.

HOUSE MAJORITY FAULTED FOR SOCIAL SECURITY DISINVESTMENT

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, here it is Monday. We shut this place down Friday. Most Members on the Republican side voted against adjourning because we wanted to give the Senate an opportunity of considering the 5-day debt extension that the House passed. Unfortunately, the House adjourned before the Senate could even take it up on Friday evening, and so the fact that disinvestment of Social Security Trust Funds took place rests on the Democratic majority here in the House of Representatives.

They are the ones who are going to have to explain to the recipients of Social Security all over this country why this loss from the Social Security Trust Funds has been sustained, because had we stayed in session for several hours longer on Friday evening, it is quite likely that the modification made in the bill by the Senate in order

to correct some defects in the House version which would have left the extension not at 5 days but perhaps longer would have been corrected. The Senate did that, but, unfortunately, when they sought to find somebody in the House to have them implemented, we were gone, all long gone back around the country.

Mr. Speaker, it is an unfortunate experience, and I hope that we can resolve this difference soon by giving the Members of the House an opportunity of voting up or down on the Gramm-Rudman proposal which will mandate procedures for implementing the reduction of this deficit. I only hope that sooner, rather than later, we will get to that option.

REPUBLICAN CHAMPIONS OF SOCIAL SECURITY WELCOMED

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, I think that this national financial crisis has brought about one thing, and that is a metamorphosis of the Republican Party to the support of the Social Security system. For the last 5 years, at every bend in the road, whenever Social Security was under attack, and it often was by President Reagan or others, we did not find a willing partner among our Republican colleagues in regard to assuring older Americans that Social Security would be protected.

So I am pleased to note the outstanding vocal support this past few days that has been voiced for the Social Security system which we Democrats have been fighting to create and maintain these past 50 years, and I hope that this new GOP support will be reflected in future actions as we attempt to restore and to maintain this all-important Social Security commitment for all Americans.

HOUR OF MEETING ON TOMORROW

Mr. GRAY of Illinois. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 1 p.m. on tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are

ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, November 6, 1985.

MEMORIAL BILLS

(Ms. OAKAR asked and was given permission to address the House for 1 minute.)

Ms. OAKAR. Mr. Speaker, I have asked for this time in order to engage in a colloquy with my distinguished friend, the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, will the gentlewoman yield for a colloquy on the three memorial bills that are going to be considered today?

Ms. OAKAR. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, as I read the bills and the reports, your committee is recommending that these memorials be authorized so that the sponsoring organizations can begin their efforts to secure the necessary funds for the design of the memorials. But, I ask the gentle lady from Ohio if the legislation in any way designates where—what specific location—these memorials will be located?

Ms. OAKAR. The answer to that question is, No. The determination as to which lands might be suitable for the erection of these memorials is a matter for consideration of other committees. We do not intend to direct where these memorials should be erected.

Mr. VENTO. Mr. Speaker, I appreciate that response. I chair the Subcommittee on National Parks and our subcommittee is very concerned about the proliferation of memorials on national park lands. It is possible that new memorials could encroach on existing memorials or that they could be incompatible with other uses of the limited lands involved.

Furthermore, the maintenance and protection of these memorials places a considerable burden and expense on the administering agency. These are some of the reasons that the members of the Interior and Insular Affairs Committee are so concerned with the placement of additional memorials on national park lands. In the months ahead, I am hopeful that the Subcommittee on National Parks can look carefully at this entire problem and that it can develop meaningful legislation to deal with the future placement of memorials on the national park lands.

Again, I appreciate the fact that the House Administration Committee has left the site designation for these memorials open for consideration at a future time by the committees having jurisdiction. As I understand the gentle lady, once the sponsoring organization has secured the funds, it will

then seek approval for the design of the memorial by the National Capital Planning Commission. The question of its location may, in fact, require further consideration or legislation. Is that correct?

Ms. OAKAR. Yes. I believe that is correct.

Mr. VENTO. I thank the gentle lady for yielding and for this opportunity to address this question.

□ 1220

MEMORIAL TO HONOR WOMEN WHO HAVE SERVED IN OR WITH THE ARMED FORCES

Ms. OAKAR. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 36), authorizing establishment of a memorial in the District of Columbia or its environs, as amended.

The Clerk read as follows:

H.J. RES. 36

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF MEMORIAL.

(a) IN GENERAL.—The Women in Military Service for America Memorial Foundation is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor women who have served in or with the Armed Forces of the United States.

(b) SITE, DESIGN, AND PLANS.—In carrying out subsection (a), the Foundation shall be responsible for selecting a site for the memorial and preparing the design and plans for the memorial, each of which shall be subject to the approval of the Commission of Fine Arts and the National Capital Planning Commission.

SEC. 2. PAYMENT OF EXPENSES.

The United States shall not pay any expense of establishment of the memorial. The Foundation shall not begin construction of the memorial until, as determined by the Comptroller General, amounts available to the Foundation from non-Federal sources are sufficient to carry out this resolution.

SEC. 3. EXPIRATION OF AUTHORITY.

The authority to establish the memorial under this resolution shall expire at the end of the five-year period beginning on the date on which this resolution becomes law, unless construction of the memorial begins during that period.

The SPEAKER pro tempore (Mr. MONTGOMERY). Pursuant to the rule, a second is not required on this motion.

The gentlewoman from Ohio [Ms. OAKAR] will be recognized for 20 minutes and the gentleman from Minnesota [Mr. FRENZEL] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I would like to compliment the minority leader of our task force for the work and support that he has done on these memorials, as well as members of our com-

mittee, for their unanimous agreement.

Mr. Speaker, in January, I introduced a resolution which will authorize the establishment of a memorial to honor the thousands of women who have served in the Armed Forces. The Federal Government would provide the land in the District of Columbia, while the funding of the memorial itself would come from private services.

Mr. Speaker, women have served in a variety of military occupations in the Armed Forces since the American Revolutionary War where more than 20,000 women served.

Women also experienced combat action in the Civil War. One of the most famous soldiers of that time was Sarah Edwards, who disregarded the customary social mores of the 19th century and performed the functions of a courier, nurse, and soldier. Other women, such as Clara Barton, also made their mark in history tending to the sick and wounded. Clara Barton, as we all know, went on to establish both the Arlington National Cemetery and the Red Cross.

However, women have not been considered official participants in the military services since the formation of the Army Nurse Corps in 1901 and the Navy Nurse Corps in 1908.

Even in World War II, the urgency of defending our country gave reason to the military for women's broader participation within the armed services. Performing a myriad of duties, women like pilot Cornelia Fort proved their bravery and dedication to our country, some losing their lives in the process. In World War II alone, 350,000 women served in the services, as well as many others who performed and served in kind of a quasi-military support unit. For example, the Women's Air Force Service pilots, the WASPS, engaged 800 female pilots, from applications of over 25,000, to ferry warplanes around the world. Women also performed traditionally male tasks such as changing tires, repairing planes, rigging parachutes. In fact, they did everything that any other soldier did.

Many do not know, for example, that the first Women's Army Corps unit, the WACS, landed in Normandy 38 years after D-day. Furthermore, 65 women were taken captives as POW's from December 1941, to February 1945.

In light of their distinguished service, women veterans have throughout history, frankly, been largely overlooked in the military and in Government. Even today, there is very little research information available on female veterans. Today, there are over 1,150,000 women veterans. In the United States alone, they account for

more than 4.1 percent of all living American veterans.

So the story of women veterans in American history is one in which all women can take pride for they have indeed performed with pride and courage in the defense of their country. They have suffered the dangers and agonies of war in combat, combat support, and combat service support in many regions of the world. In spite of this, very often women's roles in various areas of national defense in peacetime situations have remained very limited.

We know that the issue of peace in the world is of paramount importance to women as mothers, wives, sisters, and daughters. They have sacrificed their own lives, along with the lives of their sons, their husbands, their brothers, their fathers, and their loved ones.

So we believe, Mr. Speaker, that women deserve to hold leadership positions and become an integral part of the military decisionmaking process.

Likewise, with the increasing number of women in the military, we must make sure that equality is ensured in the areas of benefits, rights, and opportunities.

I believe that we are about 200 years too late in memorializing women who have served their country with distinction, but I think this memorial is a small way to express what we owe to them as a country.

Mr. Speaker, at this point, I would like to reserve the balance of my time so that we can hear from the minority.

Mr. FRENZEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Joint Resolution 36, of which the principal author is the distinguished gentlewoman from Ohio, Ms. OAKAR, the chairman of the task force, was unanimously approved by the task force and by the Committee on House Administration. All of the membership felt that such a memorial was deserving.

Mr. Speaker, with respect to these particular bills emerging from the House Administration Committee, it ought to be said that the committee takes a look at a large number of these bills each year. All of them are meritorious, but we have only a certain amount of land that is available to us. There are a large number of entities, including departments of Government and commissions, et cetera, that have some jurisdiction over the land that is available. Each of the groups that brings a request to us wants prime space on the Mall and, obviously, not all of them can have it.

The committee has determined, under the leadership of the gentlewoman from Ohio, that we will follow some responsible guidelines; that is, in each case, the sponsoring group will have to raise enough money to pay for an appropriate memorial by itself,

without having the Federal Government kick in.

We have determined that certain agencies of Government must review the memorial to see that it is fitting and appropriate for display on Federal land, and finally, there are other committees of jurisdiction, one of whom was recently heard from, which may have to make another decision both on location and how the memorial is cared for.

So it is a long process; not every worthy applying group gets through that process successfully. We are presenting three of them today which we believe are worthy.

Mr. Speaker, I believe that this particular resolution should be promptly passed.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. OAKAR. Mr. Speaker, I yield such time as she may consume to my friend and colleague, the gentlewoman from Colorado [Mrs. SCHROEDER], one of the few women ever to serve on the Armed Services Committee.

Mrs. SCHROEDER. Mr. Speaker, I cannot tell you how delighted I am that this bill is up today, because I think there is a myth in America that all American women sat out all wars on a pedestal somewhere. History does not show that to be the case; but the incredible thing is how deep you have to dig in history to find out what the real role of women has been in the different wars that America has had.

I doubt there are many people who know that the only Revolutionary soldier buried at West Point is a woman.

I doubt that many people know that George Washington came in front of the Continental Congress and asked for full military pensions for some women because of their incredible performance during the Revolutionary War. Granted, they went in disguised as men, but their valor was so incredible that when they were discovered, they decided they should not be penalized because they had served so readily.

Most people do not know, too, that in the combat zones of the West where I came from back when we were out trying to win the West, out in those different forts, we had some very interesting laws in the Army at that time. That was, there had to be a woman in the fort for every 7½ men that were there. Now, we hear all this about protecting women from combat and how we cherish them and everything. What was the purpose of these women being in the fort?

Well, they were there to do laundry. It was really very interesting that when it came down to whether or not the men had to do laundry or to put a woman in a combat zone, we put women in combat zones, and thank you very much. They were not going

to have detergent hands for male soldiers; but nevertheless, these women in those forts suffered right along with everyone else. When the forts were overrun, when different things happened, they, too, were taken prisoner or they, too, were shot or whatever. They were not protected. They were there on the front lines.

We know the role that nurses have played, and they certainly have been in the front lines over and over again.

We see women today constantly moving into new areas in our armed services and the constant amazement by some people that they were able to do it and that they were able to perform well and that in many instances, they test out better than some of the men that are there.

For so long, we have grown up with slogans in the military of "A few good men," absolutely refusing to recognize that there have also been a few good women right alongside.

I think American women, from day one, have come here not asking for special privileges, not asking to walk in front of men, not asking to be behind them, but to walk alongside. Their role throughout every war in America from the Revolutionary War on has been of walking alongside, doing whatever they could or whatever they were allowed to do.

So I think this memorial in Washington, DC, pointing out the real role and not the mythical role of sitting on a pedestal somewhere, but the real role of being there, carrying their burdens and doing whatever they could, is long overdue.

I compliment the gentlewoman from Ohio for bringing this forward and to the committee for bringing it forward at this time.

Ms. OAKAR. Mr. Speaker, I yield such time as he may consume to my friend, the gentleman from Texas [Mr. BUSTAMANTE], who is one of the first cosponsors of the bill and who does such a great job in representing the military in that wonderful part of our country in southern Texas.

Mr. BUSTAMANTE. Mr. Speaker, I thank the gentlewoman from Ohio.

Mr. Speaker, I rise in support of this legislation to establish a memorial honoring women who have served in the Armed Forces. I want to thank, in particular, the gentlewoman from Ohio [Ms. OAKAR] for her efforts to bring this worthy bill to the floor of the House.

Women have served our country throughout its history. They have given their skills, their energy, and their lives to defend our Nation. As early as the American Revolution, women lent their skills to the war effort, with 20,000 serving in artillery units in the Continental Army. Today, more than 200,000 women serve in active duty in the Armed Forces. More

than 101 million women are war veterans. Women serve in every capacity in the Armed Forces, except in duties directly related to combat. They range in rank from private E-1 to brigadier general. They have distinguished themselves in every area.

The history of women in the armed services is filled with stories of adventure, sacrifice, and achievement. In this century, the role of women in the Armed Forces has changed dramatically. During World War I, most women served as nurses. But this situation changed during World War II when nearly 350,000 women gave their strength to the war cause. Responding to the slogan, "Free a man to fight," women literally kept America running for the fighting men in Europe. Women played almost as active and extensive a role in the Armed Forces then as they do today. There was even a unit of women pilots, the Women's Air Force Pilots Service, who proved their skills in the air. It was not until 1977, however, that women in this unit finally received military status.

During World War II, women proved that they could handle military jobs traditionally restricted to men. Yet it was not until the 1970's, with the growth of the women's movement, that the number of women in the armed services truly began to grow. From 40,000 in 1971, the number has climbed to more than 200,000 today. During the 1970's, women entered the military academies. The class of 1980 contained the first women graduates, and as early as 1983, a woman had already achieved the highest academic honor in her Naval Academy class.

Our Capital is filled with monuments to war heroes and war victims. But no monument stands to honor the women who have served and who continue to serve our Nation so well. Women worked to defend our country and they deserve our thanks.

I urge my colleagues to support this worthy legislation.

□ 1235

Ms. OAKAR. Mr. Speaker, I yield myself such time as I may consume.

I would just like to conclude by saying one of the joys in sponsoring this legislation was that we had a number of people from both sides of the aisle cosponsoring the legislation from all segments of our political philosophy who felt very, very strongly that we ought to have a memorial honoring the women who have served our country so valiantly.

If we take a look at the variety of memorials, whenever they depict people, they very seldom are women who are depicted in the memorial, and that is one of the reasons why we have memorials. We have memorials simply to say thank you for a job well done, and that is what the spirit of this legislation and the other pieces of legisla-

tion which we will be taking up is all about, to say thank you to our American patriots who served our country so nobly.

Mrs. LONG. Mr. Speaker, today I rise in support of House Joint Resolution 36, to authorize the establishment of a memorial in the District of Columbia to honor thousands of women who have served in the Armed Forces.

As a veteran myself, I know the contributions women have made to our country in both times of war and peace. During World War II I served in the Navy as a pharmacist's mate attending the sick and wounded. I was only one of the many thousands of women who served in the military during the Second World War. Today there are 1.2 million female veterans, representing 4.1 percent of the overall veteran population.

Women have always contributed to America's Armed Forces. In 1775 the Continental Congress authorized women to provide medical support to the newly formed Army. This tradition continued through the Civil War, Spanish-American War, World War I, World War II, the Korean war, as well as the Vietnam war. In 1901, the outstanding record of nurses in wartime prompted Congress to establish the Army Nurse Corps.

In World War I, the military began to utilize women for jobs other than nursing to release men for combat duty. During this war, 12,500 women enlisted in the Naval Reserve, and 300 in the Marine Corps Reserve. These enlisted women filled important clerical and administrative jobs in the Navy and Marines.

During World War II, 265,000 women were recruited into the armed services. During 1942 and 1943 the Women's Army Auxiliary Corps [WAAC], the Women's Army Corps [WAC], the Navy Women's Reserve [WAVES], the Coast Guard Women's Reserve [SPAR's], Women's Air Service Pilots [WASP], and the Marine Corps Women's Reserve were established.

Women were assigned to the United States and overseas. They performed in a great number of roles, including communications, administration, education, parachute rigging, aviation, control and ground crew support, link training, and gunnery instruction. Several women received the Purple Heart and others were decorated for meritorious service.

Women also played a vital role in the Korean war. At the peak of the crisis women in the service numbered over 33,000. During the Vietnam war, Congress repealed the 2-percent ceiling for women in the Armed Forces. At the height of the conflict women in the service numbered over 33,000 as well.

In the early 1970's women made great strides in the military. During this time the Army appointed the first three women general officers, the Air Force appointed two, and the Navy promoted one woman to flag rank. Since then more women have achieved command rank in the Armed Forces, making tremendous contributions to the efficiency and diversity of the service.

Mr. Speaker, throughout history women have served this Nation with distinction and honor. I think it only fitting that the Congress honor women veterans with a special memorial. This action is long overdue.

Mr. WHITEHURST. Mr. Speaker, it is my pleasure to join with my colleagues in expressing my support for House Joint Resolution 36, which establishes a memorial to women who have served in the armed services.

As long ago as the Revolutionary War, when 20,000 women contributed to the fight for independence, women have played an invaluable role in our Nation's defense.

The current duties of women in our service branches have changed greatly from the days when Clara Barton and her colleagues did so much to treat the sick and wounded during battle.

It has been a decade now since the first women were admitted as plebes to West Point, and they have taken their rightful place alongside their male counterparts at our military academies.

The women serving our country today are extensions of the women who came before them and were an integral part of the effort during World War II. More than 86,000 women served in a variety of capacities during the Second World War, bringing to previously male-only jobs the highest degree of skill and dedication possible.

It is only fitting that we establish a memorial in the Nation's Capital to honor those whose contributions to our Nation deserve the highest of recognition.

Mr. KINDNESS. Mr. Speaker, I would like to express my support for the passage of House Joint Resolution 36, which would authorize the establishment of a memorial to honor the service of American women in the U.S. Armed Forces.

Now is the time for the Congress and the American people to acknowledge the tremendous contributions of women who throughout our history have played such an important role in the defense of the United States and freedom abroad. Over 200,000 American women now serve in active military duty, indicating that the opportunity for continued contributions by American women to our national defense is on the rise.

As with the legislation to authorize a Korean War Memorial, there are no costs associated with enactment of House Joint Resolution 36. I hope my colleagues will join me in supporting House Joint Resolution 36.

Mr. GILMAN. Mr. Speaker, I rise in support of House Joint Resolution 36, authorizing the establishment of a memorial in the District of Columbia to honor the thousands of women who have served in our Armed Forces. I thank the gentlelady from Ohio [Mrs. OAKAR] for introducing this fitting tribute, and for her tireless efforts in bringing this bill before us today.

Mr. Speaker, while women have played a crucial role in the defense of our Nation, that Nation has not yet seen fit to recognize their enormous contributions. Women

were integral to this Nation's first efforts for independence with 20,000 women serving in the artillery units of the Continental Army. Women also experienced combat action during the Civil War and can boast of as their own, one of the most famous soldiers of that time: courier-soldier-nurse Sarah Edwards. Clara Barton the founder of the American Red Cross and the Arlington National Cemetery, and World War II pilot Cornelia Fort both continued Sarah Edwards' legacy, illustrating through their perseverance and courage that women can and do serve our nation with pride and distinction.

The advent of the Second World War saw the role of women in the military change when women entered and mastered jobs previously restricted to men. During World War II, 265,000 women were recruited into the Armed Forces serving our Nation through their work in communications, administration, education, parachute rigging, aviation, control and ground crew support, link training, and gunnery instruction.

Today more than 200,000 women serve on active duty in the Armed Forces; more than 101 million women are war veterans representing 4.1 percent of the veterans population. It has been over a decade since the first women were admitted to West Point where they have taken their rightful place alongside their male counterparts at our military academies heralding women's entry into the highest policymaking bodies within our military. Indeed, women serve in every capacity in the armed services except those duties directly related to combat. Women hold ranks from private to brigadier general and have demonstrated time and again their willingness and ability to serve our Nation with the highest caliber of skill and dedication.

In accordance with this resolution, the Federal Government will provide land for the memorial in the District of Columbia while the funding of the memorial itself will come from private services. I urge my colleagues to join me in supporting House Joint Resolution 36 so that we can pay a long overdue tribute to those brave women who dedicated themselves to protecting and serving our Nation.

Ms. OAKAR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio [Ms. OAKAR] that the House suspend the rules and pass the joint resolution, House Joint Resolution 36, as amended.

The question was taken.

Mr. LUNGREN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

KOREAN WAR MEMORIAL ACT

Ms. OAKAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2205) to erect a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces of the United States who served in the Korean war, as amended.

The Clerk read as follows:

H.R. 2205

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF MEMORIAL.

(a) IN GENERAL.—The American Battle Monuments Commission is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces, of the United States who served in the Korean conflict, particularly those who were killed in action, listed as missing in action, or held as prisoners by hostile forces.

(b) SITE, DESIGN, AND PLANS.—In carrying out subsection (a), the Commission shall be responsible for selecting a site for the memorial and preparing the design and plans for the memorial, each of which shall be subject to the approval of the Commission of Fine Arts and the National Capital Planning Commission.

SEC. 2. PAYMENT OF EXPENSES.

The United States shall not pay any expense of establishment of the memorial. The Commission shall not begin construction of the memorial until, as determined by the Comptroller General, amounts available to the Commission from non-Federal sources are sufficient to carry out this resolution.

SEC. 3. EXPIRATION OF AUTHORITY.

The authority to establish the memorial under this Act shall expire at the end of the five-year period beginning on the date of the enactment of this Act, unless construction of the memorial begins during that period.

The SPEAKER pro tempore. Pursuant to rule, a second is not required on this motion.

The gentlewoman from Ohio, [Ms. OAKAR] will be recognized for 20 minutes and the gentleman from Minnesota [Mr. FRENZEL] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there were 54,000 Americans killed and 103,000 wounded in Korea. Today there are approximately 5 million living U.S. veterans who fought in Korea, and during the Korean conflict, which lasted only 3 years, there were nearly as many lives lost as in the 10-year Vietnam conflict.

This bill would provide a very belated memorial to honor these Americans.

Mr. Speaker, on a personal note, I do not think there are many in my own age bracket who did not have a brother or some relative who served in Korea. My brother-in-law served on the front lines in Korea. He was one of the lucky ones who was able to get

back home safely. My brother served during the Korea conflict as well. They were teenagers, literally. They were 18-year-old fellows who all of a sudden found themselves in a distant land.

I think it is very, very appropriate that we honor these individuals like the two I have mentioned. We have a number of distinguished Members of Congress who have also served our country with great distinction. One of them is one of the major sponsors of the bill, the gentleman from Mississippi [Mr. MONTGOMERY]. Many people do not realize that Congressman MONTGOMERY was a general in the armed services and served our country in not only the Korean conflict but, if I am not mistaken, the World War II conflict as well.

So, Mr. Speaker, it is a pleasure to yield such time as he may consume to our distinguished chairman of a very, very important committee, who has worked as valiantly on this effort, my friend, the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. I thank the gentlewoman for yielding time to me.

Mr. Speaker, I certainly want to thank the gentlewoman from Ohio for those kind remarks, and I appreciate her thoughts. I would like to say, Mr. Speaker, how much I appreciate the efforts of the gentlewoman from Ohio [Ms. OAKAR] as chairwoman of the task force on libraries and memorials to bring this long overdue legislation before the House for consideration.

MARY ROSE OAKAR has spent more time than anybody else in this House trying to work this out, because we have had some problems on this legislation. She has had patience and she has worked with all the Members. Thanks to her, this legislation is before us.

Let me mention also, and she did touch on it briefly, that her brother served in the Korean conflict, as well as other members of her family.

Mr. Speaker, I would like to thank the gentleman from Illinois [Mr. ANNUNZIO], the chairman of the full committee, and the gentleman from Minnesota [Mr. FRENZEL], for their support of this legislation.

Actually, the gentleman from New Jersey [Mr. FLORIO] will follow me. He is really the chief author and I am a cosponsor of his legislation. Mr. FLORIO served in the Korean conflict with distinction, and Members will hear from him, as well as the gentleman from Virginia [Mr. PARRIS], who also served in the Korean war and had a terrific war record during the Korean war.

My colleague, the gentleman from Arkansas, JOHN PAUL HAMMERSCHMIDT, is also a sponsor of this bill and serves as the ranking minority member on the Committee on Veterans' Affairs.

As the gentlewoman from Ohio said, I am proud myself to have served in World War II and in the Korean war.

This past July we commemorated the 32d anniversary of the signing of the treaty that really ended the Korean conflict. Thirty-two years have passed and we still have no national memorial to the persons who served in Korea, plus the 54,000 Americans who died in Korea. There were 6 million U.S. military servicemen called up during the Korean conflict; 1 million actually made it to the theater, and 5 million of those Korean veterans are alive today. Many of these veterans did serve in World War II as well as the Vietnam war.

The memorial would stand as a reminder to future generations of the human cost of war and would properly express the Nation's gratitude for the honorable manner in which those veterans served and, too often, died.

I would like to make this point very strongly. The deeds of our veterans of the Korean conflict are often overshadowed by World War II that had just ended, and after that we had the Vietnam conflict, which is still fresh in the minds of the American public. The Korean veterans have been the silent veterans, the ones who served and then slipped back into civilian life practically unnoticed. They have earned this recognition.

This legislation would authorize the American Battle Monuments Commission to establish the memorial, to select a site, prepare the design, and erect the memorial. The Committee on Veterans' Affairs, which I chair, has jurisdiction over the American Battle Monuments Commission, and we would certainly take the responsibility to have oversight hearings to be sure that the design and construction could proceed on a timely basis in honor of all Korean veterans.

I am pleased to see that the Senate Committee on Energy and Natural Resources is now considering a similar measure introduced by Senator ARMSTRONG and strongly supported by Senator JOHN GLENN and other distinguished Members of the other body.

We hope that in the very near future, under the leadership of the gentlewoman from Ohio [Ms. OAKAR] that we can come up with a bill that is acceptable by both bodies. It is long overdue. It has been on the back burner for these Korean veterans and we hope we will get the total support of the House on this Korean War Memorial.

□ 1245

Mr. FRENZEL. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Virginia [Mr. PARRIS].

Mr. PARRIS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, 35 years ago, last June 25, the Korean war began. The face of

America and the lives of at least 5.7 million of her citizens were changed forever.

The Korean war was just that—a war. The terms "police action" and "conflict" do not adequately represent the personal sacrifice which members of the armed services, their families, and their friends made for our country and for the ideals of freedom and self-determination—the ideals which form the foundation upon which this Nation rests and from which it gets its sustenance. More than 5.7 million Americans served in the Korean war, more than 54,000 of whom made the ultimate sacrifice. In addition, over 103,000 were wounded and more than 5,000 were either captured or were missing in action.

It is deeply disturbing to me that, after 35 years, there is not yet a memorial in the Nation's Capital to honor these brave veterans of the Korean war—the only group of war veterans not to be so honored. These individuals have been leapfrogged by time and it is within our power to see that this disservice is not permitted to go unremedied.

In May of this year, I introduced a bill authorizing the American Battle Monuments Commission to provide for the design and construction of a suitable memorial in Washington, DC, to be constructed with Federal funds. In just 3 short months, more than 170 of our colleagues, from both sides of the aisle, signed onto this important legislation as cosponsors.

The bill before us today under suspension of the rules was also introduced around that time and shares a similar level of strong bipartisan support. While this bill was different from mine, it was improved during markup before the House Administration Task Force on Libraries and Memorials on October 23.

However, on October 29, in markup before the Committee on House Administration, H.R. 2205 was seriously threatened in its ability to perform the task of completing a memorial to the Korean war veterans at an early date.

Reluctantly, for the good of the cause, I will support this bill presently before us. Not because I feel it is the best bill—in its present form it is not—but because it is an acceptable bill. It is my profound hope that, in voting for this bill, the damage done in committee on this side of the Capitol may be rectified in conference. As such, I urge passage of H.R. 2205 and I commend the chairwoman of the task force, the gentlewoman from Ohio, [Ms. OAKAR], who has been extremely helpful in this matter.

However, in conference, at least the following points must be clarified:

Who is charged with the responsibility of soliciting private contributions? The ABMC is authorized to accept pri-

vate contributions, but is not organized to solicit contributions. Contributions simply will not occur without effort and organization.

Why place a 5-year limitation on the AMBC in authorizing this memorial without giving it any of the tools and responsibility to complete the job within that period?

The committee stripped this bill of Federal funding. The Government sent our men and women to Korea at a cost of hundreds of millions of dollars and tens of thousands of lives, and yet several million dollars for this memorial cannot be found. Through the United Nations, we sent \$4 million to Ethiopia for handicraft industries and leather development, and we cannot come up with \$3.5 million for a memorial to those who served and those who were killed in the Korean war.

If given the time, Mr. Speaker, I could go on all day, but the point is very simple. Are our priorities placed in this Congress in terms of this matter? It has been 35 years. The time is now for this memorial, Mr. Speaker, not in another 35 years.

If you will pardon again a very brief personal note, as has been suggested by the gentlewoman from Ohio, I was one of those who flew the jets in Korea in what surely was a time of the early history of jet aerial warfare.

Even though it has been a very long time, Mr. Speaker, I can still hear the voices that I heard on more than one occasion. I followed one down until it hit the ground. I can close my eyes and see things that I would prefer to forget. I can smell, like I had it for breakfast, the napalm that we used 35 years ago.

I have seen grown men—whose courage was never questioned—sit in a cockpit and cry.

Let us just get on with our responsibilities to those who did their duty for this Nation when called upon.

Ms. OAKAR. Mr. Speaker, I yield such time as he may consume to the major sponsor of the legislation, a distinguished member of the Veterans' Affairs Committee and one who also was a soldier during the Korean war conflict era, the gentleman from New Jersey [Mr. FLORIO].

Mr. FLORIO. Mr. Speaker, I thank the gentlewoman from Ohio [Ms. OAKAR] for her cooperation as well as the time being offered at this point.

Mr. Speaker, on April 24 of this year, I introduced a bill which would honor those Americans who served in the Korean war. The bill, H.R. 2205, the Korean War Memorial Act, authorizes the erection of a memorial on federally owned land in or around the District of Columbia which would honor the several million Americans who served in Korea.

I would like to extend my sincere thanks to the chairman of the House

Veterans' Affairs Committee, **SONNY MONTGOMERY**, and the ranking minority member of the Veterans' Affairs Committee, **JOHN PAUL HAMMER-SCHMIDT**, for their unwavering support of this effort. Both gentlemen were original cosponsors of this legislation. I would also like to thank my colleague from Ohio, Congresswoman **MARY ROSE OAKAR**, the very able Chair of the Task Force on Libraries and Memorials of the Committee on House Administration. Without her assistance and interest, it is unlikely that this bill would be here today on the House floor. We are deeply indebted to her for her efforts.

Mr. Speaker, on this list is a compilation of names. They are names of American heroes. They are those who fell in combat in Korea during that conflict. It marks the first time that these now sacred names have entered this Chamber and it is one which should be well marked by all of us. These men and women have now finally been brought home by the Nation which sent them to that remote land 8,000 miles away. It is for those honored dead and their equally honored surviving brothers that I am here today.

In the 7 months since this bill was introduced, I have gained a new insight into the necessity of a Korean War Memorial. I have been contacted by many veterans from around the country, many of whom I hope are watching these historic proceedings on C-SPAN today. As I go on in this debate, I would like all present in this Chamber and the millions watching us on television to remember these papers and the thousands of names on this list.

Mr. Speaker, the Korean war lasted a total of 36 months. In that 36 months, a total of over 54,000 Americans died. The Vietnam conflict lasted over 11 years and over 58,000 Americans died. The severe brutality and fierceness of the fighting in Korea is a matter of record. The numbers speak for themselves.

The sacrifices made by the people of the United States in the Korean war are remarkable. In Korea, U.S. Forces fought under the flag of the United Nations. The United Nations this year is celebrating its 40th anniversary. In 1950, when South Korea was invaded by North Korea, the United Nations was barely 5 years old. Yet the United States responded. We responded in a way that must have stunned our enemies. Never did they think that America would sacrifice the lives of over 50,000 of its sons and daughters in the name of an ideal which had thus far only existed on paper.

They were wrong, Mr. Speaker. The blood of those Americans and the efforts of their fellow military personnel are the cement that binds the United Nations today. Had America shrugged

and left South Korea to its own fate, is there anyone who can seriously believe that the United Nations would be able to celebrate its 40th birthday today? Never.

It is impossible to overestimate the importance of the sacrifices made by our troops, sailors, and airmen in Korea. The infant world organization, so highly touted by the Western allies following the devastation wrought by World War II, was tested for the first time. A generation earlier, the United Nations' predecessor, the League of Nations, had failed its test—and the greatest carnage yet seen on this planet was certainly a cause of that failure.

We didn't fail. The world saw, not for the first time, the determination of an America sure to live up to its commitments. It saw, once again, the ability this Nation has to rise to any occasion to defend freedom in the face of stark aggression. It was a lesson well learned and hard earned.

I urge my colleagues to act expeditiously and approve H.R. 2205. The bill has 145 cosponsors who share my hope that the names of the heroes on this list will finally be recognized and that their memory be finally proudly honored. It has been far too long for those forgotten veterans and their fallen comrades who have yearned to be recognized for their accomplishments. The world is safer today because of their sacrifices.

Mr. Speaker, I am hopeful that we can go forward with this piece of legislation as rapidly as possible, we can reconcile differences that people may have about the form of this legislation, and then we can see this memorial, as the gentleman from Virginia [Mr. PARRIS] indicated, established as rapidly as possible. Too long of a period of time has already expired, and the time for action, the time for a suiting memorial for these individuals is now.

Mr. FRENZEL. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I was one of those American service personnel who spent time in Korea during the period in question. I think this is an important bill, and I am delighted that the House is going to pass this either today or Wednesday, depending on whether there is a vote or not.

I, too, had classmates and friends who did not come back from Korea, at least not alive. All of us remember the enormous sacrifices.

We remember, too, the sacrifices for our allies who sent troops to fight with us there at our side. It is interesting to note, I think, that the Koreans themselves, the citizens of the Republic of Korea, have done so much to memorialize this particular chapter in Korean and American history, and it is delightful, I think, now that the

United States is finally going to have its memorial.

□ 1300

With respect to the comments of the gentleman from Virginia [Mr. PARRIS] who has been a strong advocate for the memorial, I think it is fair to say in response that at least as long as I have been on this committee, the committee has never authorized the expenditure of taxpayers' funds for these memorials.

It has always been interested Americans who have come forward; and whether it is a unit of the armed services, or whether it is a group of individual Americans and whether they are building a memorial to black veterans of the Revolutionary War or women veterans of all of our wars, these groups have come forward and raised the money spontaneously for these memorials.

The Federal Government's position has been to provide the space and to provide care for the particular memorial. I think it is a good system; I hope that it will be maintained.

I now yield such time as he may consume to the distinguished gentleman from Virginia [Mr. PARRIS].

Mr. PARRIS. I thank the gentleman for yielding, and I will not take a lot of additional time with this debate, Mr. Speaker. We discussed it at some considerable length in the hearings held by the gentlewoman from Ohio [Ms. OAKAR] and on the other side of the Capitol in the other body.

The question is whether or not to use Federal funds for this purpose. I have suggested, Mr. Speaker, that I will, as one Member of this Congress, vote to spend whatever funds are reasonable and appropriate to memorialize the sacrifices for every war that this Nation has had.

That is considerably different than the requests of many other groups or committees to form a communication of one kind or another. I think any war is an important event in American history. For this purpose, Mr. Speaker, I went to the Internal Revenue Service and asked: If you take the Vietnam Memorial situation as an example of the numbers of dollars involved, and if approximately that amount of dollars were given for this purpose, and if those contributions were deductible which, under our Tax Codes as they currently exist they would be, if you lost that many dollars in deductible, charitable contributions, what would be the net loss to the Treasury of this Nation?

Well, as happenstance would have it, Mr. Speaker, the answer was almost exactly identical to the estimated cost of the memorial. For those reasons, it just seemed to me that it would be appropriate in this instance to provide Federal funds in that amount.

The committee did not see it that way, and in an honest difference of judgment and opinion between the gentleman from Minnesota [Mr. FRENZEL] for whom I have the highest possible regard, and myself, and for whose help in the passage of this legislation I greatly appreciate.

I would have liked to just step up and bite the bullet and see it done; let us get on with it after 35 years. The committee saw it the other way. As I have indicated in my earlier remarks, I am hopeful that justice and reason will prevail in the conference, and that it can in the final analysis be done in the manner which I would prefer.

Mr. FRENZEL. I thank the gentleman for his thoughtful and slightly wrong contribution, and I reserve the balance of my time.

Ms. OAKAR. Mr. Speaker, I have no further requests for time.

I yield myself such time as I may consume. I would like to say that, in passing these memorials, what we attempted to do is get a bipartisan spirit behind it so that we did not have any internal conflicts about it, and that is why we did reach conclusions that may not have been what my friend, the gentleman from Virginia [Mr. PARRIS] who did introduce a bill, a very worthy bill as well, was disappointed in; and frankly, I do not have a problem with it on a personal level in using taxpayers money for this, but I do think it is important to have a bipartisan spirit.

At this time, I yield to the distinguished chairman of the Committee on Veterans' Affairs.

Mr. MONTGOMERY. I thank the gentleman for yielding.

Mr. Speaker, I basically supported what the gentleman from Virginia [Mr. PARRIS] was doing as well as the Florio bill.

What we were trying to do was to proceed to build the monument with appropriated funds in order to avoid some of the problems that happened in the building of the Vietnam Memorial. That is why our bill authorized \$5 million for the construction of the memorial.

The Vietnam Memorial was built from volunteer donations. As I recall more than \$9 million were raised. About \$2.5 million was spent for fundraising; only about \$3.8 million really went into the construction of the memorial. We included a provision in the bill allowing the American Battle Monuments Commission to accept contributions from the general public and those contributions could be offset against the \$5 million authorization contained in the legislation; many people of this country would like to give to the memorial and be part of it.

That was the reason we authorized the \$5 million, but the committee felt differently, and we certainly support what is before the House now.

Ms. OAKAR. Mr. Speaker, I yield myself such time as I may use.

One reason to avoid any question about how the funds are being used and so on, one reason that the legislation is very specific about the American Battle Monuments Commission in collecting these funds is to dissuade any conflicts relative to the collecting of the funds; that if everyone who wants to give can give to the central commission that has a very fine reputation; it is in fact under the jurisdiction of the distinguished Veterans' Committee, that will avoid any kind of problem in the correction of the funds. Is that not correct?

Mr. MONTGOMERY. If the gentleman will yield, that is exactly right, and that is why we recommend that the Battlefield Monuments Commission be involved; the great reputation it has, the tremendous job it has done around the world on cemeteries and memorials, and we felt this was the proper way to go.

As I said earlier, Mr. Speaker, what the committee has done is satisfactory and we need to move ahead.

Ms. OAKAR. I thank the gentleman and all the people who sponsored the legislation, and at this time I have no further requests for time.

Mr. Speaker, I reserve the balance of my time.

Mr. FRENZEL. Mr. Speaker, I yield myself 1 additional minute.

Mr. Speaker, there was controversy on how this monument was to be financed, and the gentleman from Virginia [Mr. PARRIS], and aided by the gentleman from Mississippi, the distinguished chairman of the Committee on Veterans' Affairs [Mr. MONTGOMERY] and the distinguished gentleman from Arkansas [Mr. HAMMERSCHMIDT] were very strong in requesting a monument to be paid for by the taxpayers.

The committee opted instead for the traditional method by which other memorials had been erected in Washington on Federal property; I still stand by that. I would agree with all of the people who have spoken that it is most important that we move ahead rather than exactly how I hope the alternative of allowing the Battlefield Monuments Commission to accept the money will prevent people from giving money which is used up in, with excessive fundraising costs, and I hope that the memorial will be a fine one that Americans will be proud of for many years into the future.

I hope the bill will be promptly passed.

Mr. MOLINARI. Mr. Speaker, I am a strong supporter of H.R. 2205, legislation which will authorize the construction of a memorial to honor those American Armed Forces who served in the Korean war. I was pleased to be an early cosponsor of this bill and to submit testimony before the Task Force on Libraries and Memorials

when a hearing was conducted on this bill on July 10, 1985. I have been concerned about this issue for a long time and am pleased that the House is considering this bill today.

As one walks about Washington with its many war memorials and monuments, it soon becomes obvious that something is missing—a fitting tribute to our Korean war dead and those who served in that conflict. More than 30 years have passed since the end of the Korean war and we should, as a nation, express our appreciation and gratitude to the Americans who served in Korea and memorialize the loss of those who never returned. A memorial to our servicemen who fought so bravely under severe personal hardships is long overdue. Having served in Korea myself, I saw firsthand many examples of extraordinary courage and sacrifice by my fellow Americans.

When the North Korean Army attacked across the 38th parallel on June 25, 1950, with 100,000 troops armed and trained by the Soviet Union, America and many of our allies responded to the crisis. Three years later, with both sides claiming victory, a peace agreement was signed. However, the price we paid for that peace was high. In those few years, 54,246 Americans lost their lives, 4,600 were taken prisoner and over 103,000 were wounded. Approximately 5 million American veterans were involved in that war, a war about which most Americans, unfortunately, quickly became apathetic.

This memorial is a deserving one and will serve to show that we fully recognize, and will not forget, the contribution of our Korean veterans. I believe that this legislation will provide the proper means of funding, site selection, and design to erect a proper memorial and I urge passage of H.R. 2205 today.

Mr. KINDNESS. Mr. Speaker, as a cosponsor of H.R. 2205, to authorize a memorial in the District of Columbia to honor those Americans who served this country so proudly and well in the Korean war, I wanted to express my support for the passage of this legislation today.

That we have yet to honor those brave Americans who over 30 years ago traveled thousands of miles from our shores to defend freedom and to deter Communist aggression is regrettable. Our Korean war veterans, including over 54,000 who lost their lives in this war, deserve to be honored, and I am pleased to have been a part of this effort to recognize those veterans with a Korean war memorial.

There are no costs associated with the passage of this legislation. Over 30 years have passed without suitable recognition, and it seems that authorizing construction of a Korean war memorial is most appropriate. I urge my colleagues to support this legislation.

Mr. YOUNG of Florida. Mr. Speaker, I rise in support of H.R. 2205, the Korean War Memorial Act.

This is legislation I have cosponsored to honor the more than 5 million Americans

who proudly served our Nation during the Korean war. Thirty-two years have passed since the end of the Korean war, but we have never appropriately honored those who bravely fought to preserve freedom in South Korea.

The toll of the 3-year battle was high as 54,000 Americans died and 103,000 were wounded. Despite their valiant service, Korean war veterans are the only group not to be honored with a memorial in our Nation's Capital.

The legislation before us today authorizes the American Battle Monument Commission to erect a memorial so that all Americans can pay tribute to those who fought in Korea to oppose Communist aggression.

There are 273,000 veterans of the Korean war in Florida, and 21,940 living in Pinellas County, which I represent, so I know of the special contribution these Americans have made to our Nation. We cannot make up for the years that have passed without properly honoring those who served in Korea, but with the swift enactment of this legislation we can move forward with the establishment of a monument befitting their courageous service.

Mr. GILMAN. Mr. Speaker, it is a privilege to rise today in support of H.R. 2205, authorizing the erection of a memorial in or around the District of Columbia to honor the several million loyal Americans who served in Korea. I know I speak for many of my constituents, as well as for millions of veterans and their families across this Nation, when I extend my sincere appreciation to the gentleman from New Jersey [Mr. FLORIO], for introducing this legislation and for bringing it before the House in such a timely manner.

In the 3 short years between 1950 and 1953, 53,000 Americans made the ultimate sacrifice representing our Nation in Korea. As a point of comparison, the Vietnam conflict lasted 11 years and claimed 58,000 American lives. More than 5.7 million American servicemen and servicewomen served under the flag of the then-infant United Nations, selflessly defending the principles of freedom and self-determination halfway across the world. It is impossible to overstate the sacrifices made by these fine Americans. The Korean war illustrated America's willingness and ability to answer her commitments; this would have been impossible without the brave men and women who served in the Korean war. An appropriate memorial to those who served in the Korean war is a long-overdue, much-deserved tribute.

As one of 145 cosponsors of H.R. 2205, I am grateful that those heroes who lost their lives in Korea will finally be recognized and that the House has considered this legislation in such a timely manner. Accordingly, I urge my colleagues to vote aye on adoption of H.R. 2205, the Korean War Memorial Act.

Mr. FRENZEL. Mr. Speaker, I have no further requests for time, and I yield the balance of my time.

Ms. OAKAR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio [Ms. OAKAR] that the House suspend the rules and pass the bill, H.R. 2205, as amended.

The question was taken.

Mr. LUNGREN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

BLACK REVOLUTIONARY WAR PATRIOTS MEMORIAL

Ms. OAKAR. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 142) to authorize the Black Revolutionary War Patriots Foundation to establish a memorial in the District of Columbia at an appropriate site in Constitution Gardens, as amended.

The Clerk read as follows:

H.J. RES. 142

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF MEMORIAL.

(a) IN GENERAL.—The Black Revolutionary War Patriots Foundation is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor the estimated five thousand courageous slaves and free black persons who served as soldiers and sailors or provided civilian assistance during the American Revolution and to honor the countless black men, women, and children who ran away from slavery or filed petitions with courts and legislatures seeking their freedom.

(b) SITE, DESIGN, AND PLANS.—In carrying out subsection (a), the Foundation shall be responsible for selecting a site for the memorial and preparing the design and plans for the memorial each of which shall be subject to the approval of the Commission of Fine Arts and the National Capital Planning Commission.

SEC. 2. PAYMENT OF EXPENSES.

The United States shall not pay any expense of establishment of the memorial. The Foundation shall not begin construction of the memorial until, as determined by the Comptroller General, amounts available to the Foundation from non-Federal sources are sufficient to carry out this resolution.

SEC. 3. EXPIRATION OF AUTHORITY.

The authority to establish the memorial under this resolution shall expire at the end of the five-year period beginning on the date on which this resolution becomes law, unless construction of the memorial begins during that period.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentlewoman from Ohio [Ms. OAKAR] will be recognized for 20 minutes and the gentleman from Minnesota [Mr. FRENZEL] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as early as 1652, blacks were fighting as members of the Militia in Colonial America, thus beginning their history of achievement and heroism for our country. Yet, history books in American schools have for the most part omitted the contributions of black soldiers since the Revolutionary War, to our most recent conflict in Vietnam.

This memorial to these black Americans is a small tribute to their bravery and valor, an important part of the founding of our country.

Mr. Speaker, I want to commend the two major sponsors of this legislation, my friend, the Congresswoman from Connecticut [Mrs. JOHNSON] who did such a splendid job, and my colleague from New York [Mr. RANGEL], who is the other major sponsor of the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FRENZEL. Mr. Speaker, I yield such time as she may consume to the distinguished author of this legislation, the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON. I thank the gentleman for yielding to me.

Mr. Speaker, I rise in support of House Joint Resolution 142, honoring the contribution of black Americans to the American Revolution.

I would like to thank the gentlewoman from Ohio [Ms. OAKAR] and the gentleman from Minnesota [Mr. FRENZEL] for their great support and patience and encouragement and leadership in getting this resolution to this point, and for their support today on the floor.

I would also like to thank my colleague, the Congressman from New York [Mr. RANGEL], my cosponsor, for his help and support and for the gentleman from Maryland [Mr. MITCHELL] for his eloquent testimony and encouragement, and I know that he will be a part of this discussion in a few minutes.

In addition, I want to thank a private citizen. Because in America, government is indeed only a reflection of the desires and demands of its citizenry; and this is a perfect example of how government elected officials in partnership with constituents can make important changes in our Nation and provide opportunities that would otherwise not be available.

So today, Mr. Speaker, I recognize the contribution of Maurice A. Barboza, one of my friends and constituents, without whose energy and dedication this resolution would not be before us today.

It is important for a nation to understand, to recognize, and to value its

roots; the sources of its strength. I represent a very diverse, highly ethnic community, and take great pride and pleasure in recognizing with my constituents their own national heritages and the contribution that their cultures and traditions have brought to our Nation, and the strength that they have given us over many decades.

□ 1310

It is in great measure because we have been less able to recognize the contributions of black Americans than we have been able to recognize the contributions of German-Americans and Polish-Americans and others that we stand here today. Indeed, we have recognized inadequately in textbooks that our children read, in the commonly read records of our history of the gaining of our independence, the enormous contributions that black Americans made to achieving that victory that has provided such hope to the world. It is because of this lack of recognition in our own records and daily consulted textbooks and because, in addition, of the lack of recognition right here in Washington, DC—and I would remind the House that there is only one small statue to a black American, that of Mary McCloud Bethune—that we have this legislation before us, because it is through this array of national monuments that millions of tourists, year in and year out, refresh their memory, revitalize their ties, and enhance their understanding of our Nation's founding and of those important episodes in our history. Indeed, I am pleased to say that last night in the rain my family and I were down at the Vietnam Memorial and up at the Lincoln Memorial, and we had a chance to remember once again how important what we are doing here today on all three counts is. In that process of moving from monument to monument, we do reactivate our own deepest commitment to America as a Nation, to our own freedom, to our responsibilities as citizens. It is important that there be an appropriate recognition of the contributions of the black Americans at the time of the Revolutionary War to the success of that venture. It is a noble record. It is a record of courageous action and dedication and commitment and one that today, from this moment forward, will have the recognition that it deserves.

Mr. Speaker, I do mention that my original bill requested that this monument be built in Constitution Gardens. I personally, and many of us, feel very strongly about that, we believe that this monument should be right at the heart of that part of our Capital City at which we have those monuments that deal with our founding and those forces that created us as a Nation.

I appreciate the implications of the colloquy that preceded consideration

at all three resolutions and the objections of many Members to setting the precedent of passage of site-specific legislation. So my resolution has also been amended to eliminate the specific reference to the site. But I think the committee for the language in the committee report that does indicate that the committee's intention was, and I ask my colleague from Ohio if this is not her understanding of the motivation of the committee, that the committee felt that this memorial should be placed in a setting of great prominence in Washington, a setting of such prominence as Constitution Gardens.

Ms. OAKAR. Mr. Speaker, will the gentlewoman yield?

Mrs. JOHNSON. I yield to the gentlewoman from Ohio.

Ms. OAKAR. I thank the gentlewoman for yielding.

As the gentlewoman knows, the Department of the Interior, the Planning Commission, the Fine Arts Commission do recommend the site. But we did put in the report language, and it is the committee's feeling, that an appropriate site would be Constitution Gardens.

It is my personal hope that it is there.

Mrs. JOHNSON. I thank the gentlewoman very much.

Mr. Speaker, I commend my colleagues for their work and their support here today in creating the possibility for a monument that will indeed move a step further toward changing our national perception of our own roots and recognizing the reality of all those who made our freedom and independence possible and who have made our Nation the beacon of hope that it is to so many around the world.

Mr. Speaker, I yield back the balance of my time.

Ms. OAKAR. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Maryland [Mr. MITCHELL] who was one of our star witnesses at our hearings and was extraordinarily eloquent.

Mr. MITCHELL. First let me thank these two persons who have been in the forefront on this legislation, Congressperson JOHNSON and Congressperson OAKAR. They have done a remarkable service, I believe, to Congressman RANGEL, you have done a remarkable service to our Nation. I think that this legislation comes at a very appropriate time when many of us in the black community feel that there is no longer as strong a national commitment to end some of the problems that we have in our communities. So this comes at a time really to give us a sense of encouragement and sense of hope.

The one thing that I would like to stress is that those who would criticize black Americans have never ever been able to criticize our patriotism.

You know, it is remarkable to me that those men who died in that Revolutionary War, in many of the colonies were not even considered as human beings, they were slaves. Yet, there was in those persons who were regarded as less than human beings the desire to stand with others who sought freedom for this Nation.

I suppose it is that same sense of patriotism that characterized blacks in all the wars.

I remember very distinctly when I was wounded, and I still bear the scars of the shrapnel wound, and I thought to myself as I was recuperating in the hospital: "Why should I do this? Why should I have jeopardized my life," when in many of the States at that time I was not given full and equal access to all that this Nation affords.

Yet I realized that by making that sacrifice, just as those men did in the war for our independence, I realized that by so doing maybe, maybe we could create a climate in which this country could one day achieve its true potential for greatness.

I am very, very grateful to all of the sponsors and cosponsors of this legislation. I just hope that it will be passed very quickly.

We have a situation in which we are getting very close to Veterans Day. Frankly, what I would like to see is the other body move very quickly, get this bill to the President, and maybe we could celebrate this monument, this memorial, at the same time we celebrate our Veterans Day.

Mr. Speaker, I want to commend the Committee on House Administration for expeditiously reporting House Joint Resolution 142, a bill to authorize the establishment of a memorial to the black patriots and freedom seekers of the American Revolution. This important honor has been a longtime coming. With Veterans Day just a week away, I hope that it will be possible for the Senate to follow our lead so that this bill will be on the President's desk for signature by November 11.

More than 20 public witnesses joined me and 6 of our colleagues on June 13 in testifying before the task force on Libraries and Memorials in strong support of the Patriots Memorial. Brilliantly coordinated by the distinguished chairperson, Representative MARY ROSE OAKAR, this hearing clearly raised public consciousness about the little-known contributions of blacks to American Independence. Those of us who are among the 116 cosponsors are receiving inquiries from schoolchildren, teachers and history-minded citizens of all backgrounds seeking more information and applauding the effort to honor these forgotten patriots.

While the memorial would honor black patriots who have been dead for over 150 years, an equally important purpose is to make current and future generations aware of the fact that from the Revolution to Vietnam, black people have been fighting and dying for America. Throughout the Na-

tion's history, we have been freedom loving, patriotic, and willing to make sacrifices to preserve our way of life although, at the time, we might not have been fully enjoying its benefits.

The Patriots Memorial will be an important symbol to Americans of all races and is not just an effort to bolster the image of blacks for blacks. This memorial will tell all Americans of our common heritage and mutual struggle to win and preserve freedom by participation in wars and civil rights battles, from our earliest history. It will show how more than 12 generations of history should bind us together as a country and define us to the world as a distinct nationality.

Because this message is central to the building of closer ties among Americans of all races in the decades ahead, the memorial must be placed in an important and visible location. House Joint Resolution 142, as introduced, designated Constitution Gardens—between the Lincoln Memorial and Washington Monument—as the site of the memorial. However the committee decided that it would be preferable to specify the site in its report rather than in the legislation itself. It is my understanding that the committee clearly intends to direct the Secretary of the Interior to authorize the establishment of the memorial at an appropriate site in Constitution Gardens. It is with this understanding that I vote in support of this legislation.

Placing the memorial in an obscure location or one that does not integrate it with other symbols of the history and period to which it relates would be tantamount to not building the memorial at all. The Constitution Gardens site will allow the memorial to interact with the Washington Monument, Lincoln Memorial, Signers Memorial and DAR Constitution Hall. The ground where these landmarks sit has a special meaning to all Americans, especially to black people, because of events which have occurred there over the past 50 years and the history the people they honor helped fashion. In this setting, the memorial will make an accurate statement and convey to visitors a clear understanding of how blacks were an important part of the history of Washington's and Lincoln's eras. Moreover, it will show how they kept alive the spirit of the Declaration of Independence long after the Revolution had ended.

I urge my colleagues to support this important legislation which has come to the floor on the strength of a strong bipartisan coalition led by Representatives JOHNSON, RANGEL, OAKAR, FRENZEL, CLAY, BATES, and GINGRICH.

Mr. HOYER. Mr. Speaker, I would like to speak in support of the memorial honoring the more than 5,000 black persons who served in the American Revolution.

The black American, as soldier and civilian, was central to the war effort. By the war's end, approximately 5,000 black soldiers had served in the Colonial Army of 300,000. Black troops had fought in most major battles and had garnered honors and praise from their commanders.

Though each of the 13 Colonies sent black soldiers to fight in the Revolution, I would like to cite two soldiers who served from Maryland.

One man who deserves to be recognized is George Buley, who was born in Prince Georges County, MD, in 1761. Mr. Buley enlisted in the Army in 1781 at the age of 20 and fought bravely at the battle of Yorktown, where independence was won. Mr. Buley was honorably discharged after the war, and returned to his native Maryland where he received a pension from both the Federal and State governments in recognition of his service.

Another black Marylander who fought in the Revolution was James Robinson. Mr. Robinson was born a slave in Maryland in 1753. When war broke out, Mr. Robinson asked to serve in the Army, where he also fought in the battle at Yorktown, as well as at Brandywine. For his service in the battle which secured the surrender of General Cornwallis at Yorktown, he was decorated for military valor by General Lafayette. After the war, Mr. Robinson was returned to slavery and sent to Louisiana.

With the start of the War of 1812, Mr. Robinson again offered his services to his country. Despite his contributions in two American wars, Mr. Robinson did not become a free man until after the Civil War. Once freed, he moved to Detroit where he resided until his death at the age of 115.

For the thousands of others who fought, service in the military brought freedom and land grants to a few. But in large, their contributions were soon forgotten by the society at large. Of the blacks who died and gave brave and honorable service to their country, none were given suitable recognition or declared to be national heroes.

These thousands of black patriots contributed much to the victory of the American Revolution. These black Americans fought valiantly and deserve to be honored, even as belatedly as this honor is. Their contribution should not be forgotten, and therefore, I strongly urge my colleagues to support the building of this memorial in the District of Columbia to honor and commend these patriots for their service to their country.

Mr. OWENS. Mr. Speaker, I rise in support of House Journal Resolution 142, which would authorize the Black Revolutionary War Patriots Foundation to establish a memorial in the District of Columbia to honor the estimated 5,000 slaves and freed blacks who served in the American Revolution. Blacks served as soldiers, sailors, guides, spies, artisans, and support personnel. The majority of blacks served in the northern campaigns which occurred earlier in the war. When the fighting moved to the South as the end of the war neared, there was no known effort to recruit blacks.

After the Revolution ended, the black veterans seemed to have disappeared as a group. In the New England States, their identity as slaves disappeared as slavery ceased to be a legally enforceable institution. In New York, where my district is,

slavery was still a legally enforceable institution but it is generally believed that the veterans were granted their freedom. Most of the blacks who had come from the northern States probably settled in urban areas where freed black craftsmen and artisans had settled before.

Blacks who fought with the British did not fare so well. Their fates were determined by factors such as previous ownership—Tory or Revolutionary—skills and the geographic accident of where they were when the war ended. Some were viewed as troublemakers and shipped to the West Indies where they remained as slaves.

Blacks have fought in every war that other Americans have fought in. Although their roles have varied with the needs and prejudices of the times, they have contributed their efforts to the defense of their country. Their contributions should be recognized and I urge my colleagues to join me in supporting House Joint Resolution 142 to honor the blacks who fought in the Revolutionary War.

Mr. Speaker, I yield back the balance of my time.

Ms. OAKAR. Mr. Speaker, I yield such time as he may consume to the distinguished major sponsor of the legislation, the gentleman from New York [Mr. RANGEL] who put his prestige and energy behind getting this passed. This Chair is very grateful to him for all his hard work as well.

Mr. RANGEL. I thank the Madam Chairman. I think this is a historic day. Mrs. JOHNSON is to be commended for cosponsoring this legislation which merely attempts to correct American history. I think the day is historic because just preceding this bill we had the Korean War Memorial Monument up for discussion before this group and that we have "SONNY" MONTGOMERY chairing the debate this afternoon. We know that veterans throughout our great history have sometimes been passed over when the final history books were written. So those of us who served in Korea sometimes had felt that it was not really dramatized as a real war but, rather, a police action.

I can imagine how those who are relatives or related somehow to those black patriots who, although denied citizenship, fought in the Great Revolution to make this great country of ours become a reality, how they must feel to see that their loved ones who died and gave their lives and were wounded, did not properly get their place in history.

So I guess this great Nation of ours always has to somehow correct what has been an oversight, to give new hope to those who follow us, and to be able to say on Veterans' Day or any day that blacks in this country have played an important role, from cotton fields to battlefields, where democracy was at stake.

Mr. Speaker, I thank the chairwoman of the committee for expediting the legislation on this calendar. I am certain it is going to become law, and I feel like a better American for making some small contribution to see that when we do pass the historic gardens of our great Capital, we will be able to see that monument there for all to adore.

I thank the gentlewoman.

Mr. FRENZEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill was approved unanimously by the Committee on House Administration and by its task force on libraries and memorials.

You have heard speeches from the authors of the bill, Mrs. JOHNSON, Mr. RANGEL, and others, who have described eloquently the need for the memorial and the feeling that this country will get when it can observe the memorial, and in that memorial be reminded of the needs of the people who helped create this great, free republic of ours.

I would like to make a short statement that relates to that of the gentlewoman from Connecticut about the site of this particular memorial.

As I indicated when we began discussion of the three memorials today, the committee has certain jurisdictions and certain specifications that it follows when it processes authorizing bills for these memorials. One of the things we cannot do is to designate a specific site, for if we do, it would mean that the bill would have to be rereferred a couple of times after it left our committee.

The committee is, as the distinguished chairwoman of the task force, the gentlewoman from Ohio [Ms. OAKAR], pointed out, very sympathetic with the request of the sponsors of the legislation for a site in Constitution Gardens. And it is the hope, I think, of all of the members of the Committee on House Administration that when the final site is selected, it will be in that particular area, and all of us regret greatly we were not able to work that into the body of the bill itself.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. OAKAR. Mr. Speaker, I simply would like to conclude, after debating the three resolutions relative to memorials, by saying that our committee gets requests for a lot of memorials to be built on Federal land in Washington. The committee had hearings and passed on three, mainly because we had truly bipartisan support for the Women's Memorial, the Korean War Veterans' Memorial, and the Memorial Honoring Black Patriots Who Served in Our Revolutionary War.

We hope that the other body will act on all three memorials, that they will not be provincial and choose one over

the other. We think all three are worthy memorials that have had a host of cosponsors on both sides of the aisle, and we also hope that if it is possible after we pass ours, and I am confident that we will pass ours by recorded vote this Wednesday or possibly even tomorrow, that we do so in a bipartisan way and pass these memorials unanimously and ask the other body to try to get theirs passed by Veterans' Day, if it is possible, which is November 11.

Mr. Speaker, they have had the hearings already on these three memorials. We have tried to act as expeditiously as possible, and I hope the other body, with their distinguished chairman, and members of their committee, will do the same and act on all three memorials and send them over here, and we will reconcile our slight differences and get on with honoring the host of veterans who have so nobly and patriotically served our country.

Mrs. KENNELLY. Mr. Speaker, I rise in support of House Joint Resolution 142, legislation to authorize a Black Revolutionary War Patriots Memorial to honor the black soldiers and sailors of the Revolutionary War as well as the thousands of black men, women, and children who struggled for their freedom during this time.

Over 5,000 black patriots served in the American War for Independence. In fact, a black man, Cripus Attucks, was the first American to die in the American Revolutionary War. In my own State of Connecticut, blacks served in 25 of Connecticut's militia companies. Among those patriots was Lemuel Hayes of West Hartford who fought with Ethan Allen and the Green Mountain Boys at the Battle of Ticonderoga. Hayes went on to become one of the best-known congregational ministers of his day and was the first black to receive an honorary masters degree in this country.

And, the plight of slaves who wanted nothing more than their personal freedom and their struggle to achieve that freedom is a heartbreaking one. I believe that Harriet Beecher Stowe, a long-time resident of Hartford, CT, captured that struggle in her famous book, "Uncle Tom's Cabin."

Mark Twain, who lived for many years in Hartford, once remarked that it is "better to deserve honors and not have them than to have them and not deserve them." However, I believe if Mr. Twain were alive, he would agree that in the best of all possible worlds those who deserve honors have them. I urge my colleagues to adopt this legislation to honor the black men and women who struggled for national independence and personal freedom during the Revolutionary period. It is an honor that is well-deserved and long overdue.

□ 1325

Ms. OAKAR. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio [Ms.

OAKAR] that the House suspend the rules and pass the joint resolution, House Joint Resolution 142, as amended.

The question was taken.

Mr. LUNGREN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings of this motion will be postponed.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. GILMAN] is recognized for 5 minutes.

Mr. GILMAN. Mr. Speaker, I regret that I was unavoidably detained and therefore was not present for Rollcall Vote No. 384 on approving the journal. Had I been present I would have voted "aye."

ANDREA LYNN SHIMER IN CHILDREN'S HOSPITAL IN PHILADELPHIA IS IN DESPERATE NEED OF LIVER TRANSPLANT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. SAXTON] is recognized for 5 minutes.

Mr. SAXTON. Mr. Speaker, last week it was brought to my attention that a new baby girl, who was born on September 2, in New Jersey, was in desperate need of a liver transplant. Last week, Mr. Speaker, I called on the Members of the House, when they went home for the weekend, to do all they could to spread the word of this baby, who is going to die if she does not receive a transplanted liver within the next few days or weeks.

Over the weekend, while I was home, the outpouring of support from my district for this little girl was just overwhelming. I would like again to impress upon the Members of the House the importance to Andrea Lynn Shimer and her family of the successful search for such a liver. Andrea has type O blood, and the liver must be compatible. It must be from a baby of not more than 15 pounds.

Mr. Speaker, some months ago, together with a number of my colleagues, I ventured to the Senate side of the Capitol Building, and I signed a little card with the American Council of Transplantation, where many of us said that in the case of deaths that we wished to have our organs as may be necessary made available so that others could live, and on that card it says, "In the hope that I may help others I hereby make this anatomical gift, and if medically acceptable, to take effect upon my death."

I know that it is one thing to make that pledge yourself. I know that it is

still another for a family in a tragic situation to commit the liver of such a young baby to another; but it is a vital message that I bring to the Members to continue this search as aggressively as possible.

Andrea is in the Children's Hospital in Philadelphia. The number there is (215) 596-9100. If my staff is busy on the telephone, as I hope the staff of some of the other Members are, and if a liver is found, you can call either the Children's Hospital in Philadelphia at that number, which I will repeat again (215) 596-9100, or you can call my office here in the Capitol Building at 225-4765.

Again, Mr. Speaker, I make this plea with the utmost of sincerity and hope that together across this country we can find a liver that will sustain Andrea's life.

WHERE IS CONRAIL GOING?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GEKAS] is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker and Members of the House, I have requested the management of Conrail to issue an immediate moratorium on any further transfers or reductions of personnel at the Enola-Harrisburg complex. I do so because my support of the public offering sale of Conrail has always been dependent upon the belief that indeed the number of jobs and the level of economic activity at the Enola complex would only be increased under disposition of Conrail under the plans of Congress.

But yet every day, it seems, I get another rumor or another notification of some action to be taken by the present management to transfer jobs, good jobs, at the Enola complex to Philadelphia, and other employee actions that only serve notice on me that perhaps my support of the public offering disposition of Conrail is misplaced.

What good does it do for us to continue to object to the plan of the Secretary of Transportation to dispose of Conrail on the strength of the belief that the present management is going to be able to keep the number of employees stable and increase economic activity up and down the line, so to speak, of the present system?

For me, who is interested in job security and the economic activity of the area which I represent in the Enola complex and all it means to central Pennsylvania, perhaps it is best for me to try to get the best deal out of the proposed buyers of Conrail as to what is going to occur in that Enola-Harrisburg complex. I need assurances from the present management that this bleeding off of jobs is going to stop immediately. I can no longer openly support the public offering under the gun

of more and more removals of positions from the Enola complex.

So I am asking, in the letter that I have forwarded to Mr. CRANE to issue this moratorium, for a full plan, for a full kind of project projection, if you will, of what is going to happen to the Enola complex should a public offering result, a sale take place and the present management of the present system be retained. If indeed the other offeror can show us increased activity in the north/south portions of the system, together with the existing east/west business activity, why should not this Member of Congress have the option of looking at what is the best that can occur for the people of central Pennsylvania.

So let us remove the cloud that is hanging over the employees' heads in our area by issuing this moratorium and sitting down together to evaluate where is Conrail going and what lies in the future.

So I say to this management, which so desperately wants to remain in the leadership of the present system, let us see whether or not we can sit down together and work out assurances that the sale of Conrail through a public offering is not going to result in wholesale disposition of jobs and economic activity at the Enola complex.

QUESTIONS ON TREASURY DEPARTMENT HANDLING OF SOCIAL SECURITY FUNDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. JONES] is recognized for 15 minutes.

Mr. JONES of Oklahoma. Mr. Speaker, I take this special order in order to bring my colleagues up to date on the invasion of the Social Security Trust Fund which occurred last Friday, as well as in October and in September, in order to keep the Government afloat.

I want to review what has happened in the past few days and what we have in store over the next few days.

As my colleagues recall, last Friday afternoon, the House of Representatives took action to raise the debt limit on a temporary basis in time for the Treasury to not have to invade the permanent reserves of the Social Security Trust Fund.

Our action was sent to the other body, and they had several hours in which to act on that temporary extension; and had they accepted the House action, it would have laid to rest the anxieties of the Social Security beneficiaries and working contributors about the safety of present and future benefit payments.

Unfortunately, because the legislation was not cleared by the Senate before midnight on November 1, the Social Security Trust Fund reserves available to pay benefits have been re-

duced to \$8 billion, according to the Treasury Department figures.

□ 1340

This amount is not enough to cover the December benefit checks. We must keep in mind that only 8 weeks ago the Social Security System held over \$35 billion in long-term reserves. Social Security had and continues to have enough monthly payroll revenues to meet the benefit claims. It is a system that clearly is able and does pay its own way.

But over the last several weeks, it has not only paid its own way, it has paid the rest of Government as well. As a result, the long-term reserves have been drained from a healthy reserve of \$35 billion to a mere \$8 billion.

Now, it is clear that the Social Security System is only in this dangerous situation because the Treasury Department has, for the last 4 weeks, used the incoming Social Security revenues, in other words, the payroll tax, to pay for non-Social Security expenses of the Government. Indeed, the Treasury officials confirmed publicly on November 1 that they have been using the payroll tax revenues to cover the operating expenses of Government for the last several weeks.

By failing to transfer to the trust fund on October 1 an amount of money equal to the expected October payroll tax revenues, in other words to be used for the October benefit payments, the Secretary of the Treasury, by his own Department's admission, violated the law. His subsequent failure to reserve payroll tax receipts to pay benefits on November 1 meant that long-term reserves of the trust fund had to once again be redeemed as was done to a lesser extent on October 1 in order to meet the benefit claims.

Through this manipulation of trust fund money it appears that the Treasury Secretary has used the Social Security System to keep the Government out of default since late September. This is not a new phenomenon that just happened last Friday.

The implications of this series of events are serious and extremely troubling. First, as this series of Treasury actions constitute a usurpation of the congressional power to raise the debt limit. Second, has the Treasury Secretary breached his fiduciary duty to the Social Security Trust Fund by ignoring the legal requirement that he make advance tax transfers on the first of each month, and also by canceling long-term securities to cover benefit payments instead.

Third, does the use of the payroll tax revenues during October to keep the Government operating rather than to repay the trust funds for the bonds that were needlessly canceled at the beginning of that month, does

that constitute a further violation of the law which requires the use of payroll tax revenues only for Social Security purposes?

Treasury's actions and statements over the last 2 weeks have raised so many grave questions about their handling of the Social Security Trust Funds that I have asked the General Accounting Office to undertake an expedited investigation of Treasury's cash management policies with respect to the Social Security System. I also intend to hold further hearings on the Social Security subcommittee on this issue, and particularly to explore how Treasury's handling of Social Security Trust Funds compares with the requirements and the standards that trustees of pension funds in the private sector must abide by.

One of our colleagues on the floor last Friday, when it was explained what the Treasury Department was doing and invading the trust funds of Social Security, acknowledged that he had managed a pension fund in the private sector before he came to Congress, and he said if he were to manipulate his pension trust fund in the same manner that Treasury appears to be, it would be a legal violation and clearly a breach of fiduciary duty. We intend to explore that further.

Finally, I expect to raise this issue in connection with my legislation to make the Social Security Administration an independent agency when this legislation reaches the full Ways and Means consideration. We may want to consider restructuring the Board of Trustees to insure that the Social Security Trust Funds are carefully managed in the future. What we know so far raises serious questions about whether the role of the Secretary of Treasury, as the managing trustee of the Social Security Trust Fund, places him in a situation of conflict of interest with his role as fiscal manager of the U.S. General Treasury.

We need to get a complete understanding of how Treasury has used the trust funds during the past 6 weeks. We need to know what Congress was and was not told during this period of time. We need to know how Treasury used the Social Security System to keep the Government afloat by giving IOU's to the Social Security Trust Fund. We need to know why this apparent disregard of the law took place because it is critical that the millions of beneficiaries relying on the Social Security Trust Fund as assured that those funds are not to be used as simply a cash management tool of the General Treasury.

There are strict rules which we expect our financial institutions to observe in managing of our personal assets. There is no reason that our Government should be held to any lesser principle when managing the taxpayers' dollars.

Mr. Speaker, there have been several questions surrounding the use of these Social Security Trust Funds. This morning's New York Times has an excellent article which answers several of the questions which have been raised, and I would now like to include an article at this point in the RECORD:

[From The New York Times, Nov. 4, 1985]
How U.S. MANIPULATED SOCIAL SECURITY FUNDS

WASHINGTON, November 3.—Experts on Social Security raised many questions today about the Reagan Administration's manipulation of Social Security trust funds and payroll tax receipts to avoid default on the Government's financial obligations.

Representative James R. Jones, Democrat of Oklahoma who is chairman of the House Ways and Means Subcommittee on Social Security, said the moves appeared to be illegal. Two of the nation's leading experts on the subject, Robert M. Ball, a former Commissioner of Social Security, and Robert J. Myers, executive director of the National Commission on Social Security Reform, created by President Reagan in 1981, also expressed doubts about the legality of the moves.

Treasury officials say they had the necessary legal authority.

Here are some of the key questions, with answers to the extent they could be ascertained.

Q. What are the Social Security trust funds?

There are separate trust funds for retirement benefits and disability benefits, and the money is not available to the Treasury for the general purposes of government. Money equivalent to payroll tax receipts is normally deposited in the trust funds each month, and monthly benefits are paid out of the trust funds. While the Federal Government is running a deficit over all, the trust funds have a surplus. The surplus is normally invested in Government securities, which pay interest to the trust funds. The invested surplus was \$37 billion a few months ago.

Q. What is the relation between Social Security and the debt limit?

The securities held by the Social Security trust funds are a form of debt subject to the statutory limit, just like Government bonds and notes issued to individuals and other investors.

Q. Exactly what happened with the Social Security trust funds Friday?

The funds' managing trustee, Treasury Secretary James A. Baker 3d, cashed in \$13 billion of Government securities that the funds had held. Because the Government no longer owed the trust funds the \$13 billion, that permitted the Treasury to borrow money from other sources without producing any net increase in the total Federal debt or breaching the statutory debt ceiling of \$1,824 billion. The funds' trustees used the money mainly to pay monthly benefits for Social Security, railroad retirement and Civil Service retirement.

Q. What happens when Government securities are cashed in?

The Treasury wipes the obligation from its books. Since the Government has repaid the debt that the securities represented, the Treasury does not pay interest on them any more.

Q. Can't Congress just raise the debt limit?

That is indeed the normal procedure. But this year many lawmakers, faced with the prospect of increasing the debt limit above

\$2 trillion and with the likelihood of future increases, tried to establish a statutory requirement for a balanced budget by the end of the decade. The routine increase in the debt limit has been caught in the impasse over the budget-balancing proposal.

Q. What are Government securities, and why do Federal trust funds invest in them?

Government securities are obligations of the Federal Government. They are a form of public debt, subject to the statutory debt limit. The social security trust funds invest in two types of Government securities, short-term certificates of indebtedness and longer term bonds. The purpose is to earn interest for the trust funds.

Q. Why don't the trust funds invest in private companies?

Members of Congress have generally believed the money was safer when it was invested in Government securities. In addition, they wanted to avoid the investment of large sums of Government money in industry.

Q. Isn't the Treasury really just shifting money from one pocket to another when it cashes in securities held by the Social Security trust funds? Does it have any practical effect?

It is mainly a bookkeeping transaction. In practice, the chief significance is that the trust funds lose interest income they would otherwise have received. Treasury officials said the immediate loss Friday was about \$10 million. The Congressional Budget Office has estimated that the loss over five years could total \$1.1 billion.

Q. Why do some people say that cashing in the securities was illegal?

First, they note, the Social Security Act requires the Treasury Secretary, as manager of the trust funds, to "invest such portion of the trust funds as is not, in his judgment, required" to pay current benefits. Under another section of the law, they say, the Secretary must transfer to the trust funds, on the first day of each month, an amount of money equal to the payroll tax revenues expected that month.

Q. Did Secretary Baker make the transfer of payroll taxes last month?

Treasury officials say he did not transfer the payroll tax receipts last month or this month. Rather, they say, the money was kept in the general fund of the Treasury to help pay regular operating expenses of the Government. It was not invested in Government securities, but the Social Security trust funds did receive credit for the money.

Q. What is the justification for Secretary Baker's steps?

Treasury officials say the alternatives were even worse: failing to pay Social Security benefits or defaulting on Government obligations.

Q. Should Social Security beneficiaries be worried about these developments?

Experts such as Mr. Ball, the former Commissioner of Social Security, say there is reason for concern, but not alarm. "Administration officials do not take seriously enough the fact that Social Security is financed by payroll taxes on employers and employees," Mr. Ball said. "This money is supposed to be sequestered in a trust fund. They have just used it for other purposes." Some members of Congress say the trustees of a private trust fund could not legally use its assets that way.

Q. Can the Social Security trust funds recover the interest income they lost?

Yes, but it would probably require a special law. Congress could appropriate money to make up for the lost and could direct the

Treasury to reissue securities identical to those it canceled.

Q. How unusual is the bond redemption?

Treasury Department officials say the redemption of long-term bonds to finance Social Security benefits is not an unusual practice. But Representative Jones says it was done in the past only to meet the financial needs of the Social Security system, whereas now it is being done to avoid the debt ceiling. This, he said, is "a new and unusual practice."

Q. Doesn't the Secretary of the Treasury have a conflict of interest in all this?

Some people, in and out of Government, think so. As head of the Treasury, he may wish to minimize interest paid on Government securities, but as a trustee of Social Security, he would want to maximize the interest earned by the trust funds. Treasury officials say Mr. Baker did what he did Friday because his overriding duty was to make sure that Social Security beneficiaries were paid on time. The interest could later be repaid to the trust fund, they said, but many elderly people could have suffered if they did not get their checks.

Q. What is the Federal debt?

It is the accumulated total of borrowing by the Government. If Federal revenue falls short of spending in any year, as it usually does, there is a budget deficit, and the Government must borrow more money from the public, which is added to the debt.

Q. Did the Government slip over the debt ceiling Friday before the Treasury canceled some of the debt it had issued to the Social Security trust funds?

Treasury officials say the Government did not go over the limit. On Friday, the Treasury formally issued \$13 billion in new debt, just a few hours before it canceled \$13 billion in securities held by the trust funds. But neither transaction was officially recorded until the end of the day, when the Government tallied the results of millions of transactions, such as the cashing of Government checks and the sale and redemption of savings bonds.

Mr. Speaker, two of our colleagues who have been leaders in preserving the soundness and the financial stability of the Social Security Trust Fund are on the floor today. The gentleman from Texas [Mr. PICKLE] who is my immediate predecessor as chairman of the Social Security Subcommittee, and the gentlewoman from Ohio [Ms. OAKAR] who has taken the leadership on so many issues affecting older Americans.

I yield to the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. I thank the gentleman for yielding to me.

Mr. Speaker, many of us are deeply disturbed about the action that has taken place in the Treasury which was concluded with the announcement Friday that the Treasury was actually borrowing against Social Security funds.

Despite the legislative initiatives of the House to raising the debt ceiling and calling for mandatory deficit reductions which would result in a balanced budget by fiscal year 1990, the other body has refused to accept our proposal. The Department of the Treasury has once again used the

Social Security Trust Funds to avoid going into default.

These actions by the Secretary of the Treasury are of questionable legality, and I have joined with Chairman JIM JONES and others in seeking judicial review of this issue.

Furthermore, using the Social Security Trust Funds to avoid the limits imposed by the Federal debt ceiling is terrible public policy. It breaks the commitment we have honored for over half a century to use Social Security contributions only for Social Security benefits. It raises once again the fears and doubts of many of today's workers that through misuse and mismanagement, Social Security will not be available when they are ready to retire.

In addition, it has an immediate adverse financial impact on the trust funds. Because nearly \$29 billion of bonds held by the trust funds have already been cashed in by the Department of the Treasury, the Social Security system stands to lose in excess of \$1.1 billion over the next 5 years unless the Congress passes special corrective legislation.

The Secretary of the Treasury has said this action was taken only because of the extraordinary circumstances we find ourselves in today. But there is nothing extraordinary about the need to raise the debt ceiling, this is a crisis of our own creation. What is extraordinary is that the administration and the other body would continue to hold the Social Security Trust Funds hostage to their other unrelated legislative goals.

Last Friday I reminded the House, that, without any public notice or warning to the Congress, the Department of the Treasury began converting the Social Security Trust Fund reserves into cash, and using this money to pay benefits. At the same time the Department began using FICA tax receipts to pay the current operating expenses of the Federal Government. As a result, the Social Security Trust Funds will have been reduced from \$37 billion to \$8 billion or less, and they will be insufficient to pay Social Security benefits due in December unless something is changed and changed immediately.

This administration has deliberately chosen to continue spending billions of dollars more than it receives each month, and, since it can no longer borrow these billions from the money lenders, it is misappropriating them from the Social Security Trust Funds.

This financial shell game is robbing the trust funds of interest payments to which they are legally entitled. Because the interest bearing Treasury bonds held by the trust funds are being drawn down, and will likely be reinvested at a lower interest rate, the trust funds face the loss of \$1 to \$2 billion in interest over the next 5 years.

Finally, this economic flimflam cannot help but undermine public confidence in the stability of the Social Security System. President Roosevelt may have designed a system immune from the meddling of any politician, but not the sharp pencils of this administration's desperate accountants.

Congress must act immediately to stop this outrage, to restore all the money taken from the trust funds, and to prohibit any administration from resorting to this kind of shameful bookkeeping trickery in the future.

□ 1350

Mr. Speaker, I was going to put into the RECORD an insert from the New York Times this morning on the accountability of the Social Security action. I want to ask the gentleman from Oklahoma [Mr. JONES], was that the insert he has asked for permission to put into the RECORD?

Mr. JONES of Oklahoma. I believe that is right. It is the one that has several questions raised?

Mr. PICKLE. Yes; it is a series of questions and answers about how the United States manipulated the Social Security Trust Fund.

Mr. JONES of Oklahoma. That is correct.

Mr. PICKLE. Mr. Speaker, since the gentleman has already asked that that be made a part of the RECORD, I will not ask that it be included.

I will close by making this summation. The New York Times article says that this is questionable practice. The Treasury official says that this disinvestment can be explained in a strict legal sense, and they go to a great deal of trouble to explain how they would twist the law to say it was legal. Perhaps Members could take the position that the gentleman from Oklahoma [Mr. JONES], the gentlewoman from Ohio [Ms. OAKAR], and gentleman from Florida [Mr. PEPPER], and I take and say that this is not proper. The cold fact of the matter is that this procedure causes fear and doubt and distrust to the recipients of Social Security benefits throughout the land. In every home, in every senior citizen residence center, in every hamlet of the country, the lives of people are being clouded with doubt and suspicion that they will not get their Social Security Trust Fund benefits.

We have never had this now in nearly 50 years of operation. This ought not to be. We ought to put a stop to it immediately and do whatever is necessary. The Congress ought to say to the Treasury, "You have got to back up, restore these funds, and stop this practice forever."

Mr. Speaker, I am pleased that the gentleman from Oklahoma [Mr. JONES] took this special order. It ought to be done, and we cannot say it more forcefully to the administration

than what we have said today, except by action, and I hope the House will take action on it this week.

Mr. Speaker, I thank the gentleman from Oklahoma.

Mr. JONES of Oklahoma. Mr. Speaker, I thank the gentleman from Texas [Mr. PICKLE] very much for his comments.

I recall in the mid-1970's, when the Social Security trust fund was under some pressure due to economic conditions extending into the early 1980's, that many senior citizens asked me and our colleagues whether or not the Social Security trust funds were being used for purposes other than Social Security. I recall looking it up and finding that until about 1962 the Secretary of the Treasury was using Social Security trust funds when he had a temporary problem financing the general cost of Government, but the law was changed in roughly 1962, and the Secretary of the Treasury was to have a fiduciary responsibility to the trust funds and not invade them. That was further explained in the 1983 amendments to Social Security, making those Social Security trust funds totally sacrosanct and to be used only for Social Security purposes.

Now, here we are 2 years later, without any notice to Congress, and again we find that, for the purposes of operating the Government, the Treasury Department has invaded the Social Security trust funds. It is wrong. It is again causing fears, as the gentleman said, among senior citizens, and it ought to be stopped.

Mr. Speaker, at this point I yield to the gentlewoman from Ohio [Ms. OAKAR].

The SPEAKER pro tempore. The time of the gentleman from Oklahoma [Mr. JONES] has expired.

Does the gentlewoman from Ohio ask unanimous consent that the time of the gentleman from Oklahoma be extended?

Ms. OAKAR. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma [Mr. JONES] be allowed to proceed for 2 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. OAKAR. Mr. Speaker, I thank the gentleman for yielding.

First of all, Mr. Speaker, I would like to commend my friend, the gentleman from Oklahoma [Mr. JONES], the chairman of the Subcommittee on Social Security, for his vigilance in this issue and indeed commend the gentleman from Texas [Mr. PICKLE] for the same type of effort on the Committee on Ways and Means. Without this kind of vigilance, we could easily not have the protection of those trust funds that indeed all Americans assume we are having.

I just want to make a couple of relevant points. First of all, with regard to the debt ceiling bill that was passed in the House, we provided that we would extend the debt ceiling for a few days so that the Treasury Department would not have to dip into those trust funds any more than they already have.

Second, in the Democratic version, the alternative to the so-called Gramm-Rudman bill, the gentleman from Oklahoma [Mr. JONES] and I added appropriate amendments that would restore the interest that has been used on Social Security and the interest for the Federal civil service retirement, the military retirement, the railroad retirement trust funds, and also the Federal supplemental insurance funds. We provided in our bill, as a great distinction from the Senate bill, that those trust funds would be paid back.

Mr. Speaker, I think the manipulation by the Treasury Department of this country, along with the manipulation of the trust funds by the Federal Financing Bank, is absolutely a disgrace.

I just wanted to make a few further comments. My friend, the gentleman from Oklahoma, has already talked about Social Security, and, of course, we are all very, very concerned about that. But there are other trust funds that have been manipulated, and I think the American people have a right to know that with respect to civil service retirement and military retirement alone, those trust funds are losing \$2 million in interest every day that we extend this further debate on Gramm-Rudman, et cetera, and indeed since October 1 we have lost \$8 million a day—I should say the figure is \$8 million—in interest never to be restored unless our version, our Democratic alternative, is passed.

So I think it is very, very important that we understand exactly what is happening here. We want to have a Department of Treasury that will assure the senior citizens of this country that their faith need not be shaken. Without the leadership of the gentleman from Oklahoma [Mr. JONES] and others on this issue, their faith should be shaken, but we are going to see to it, I think, that they will not get away with what they are doing right now. That is why the gentleman from Oklahoma called this special order, and I commend the gentleman for his leadership on this issue.

Mr. Speaker, I might add that this Wednesday our Subcommittee on Civil Service is going to have hearings on what has happened to the civil service trust fund in addition to those funds.

Mr. Speaker, I am appalled by the administration's actions on Friday to take approximately \$17 billion from the Social Security, Civil Service and Military Retirement, Federal Supplemental Insurance, and

Railroad Retirement Trust Funds and use it to pay other Federal financial obligations. The \$17 billion would have normally been used for investments to those trust funds. The administration could have avoided robbing these trust funds if the Senate had acted in a responsible manner and passed the House's alternative to the Gramm-Rudman deficit reduction legislation.

While the administration's action has sent panic throughout the country to those Americans who rely on these programs for the majority of their financial support, the disinvestment and reinvestment policy is not new. Since October 1, the Treasury Department has taken \$28 billion from the Civil Service and Military Retirement Funds and the Federal Supplemental Fund and failed to reinvest it. In addition, Congressman JIM JONES, chairman of the Social Security Subcommittee discovered during his hearing last Wednesday, that similar actions were taken with the Social Security Trust Funds, as almost \$2 billion in interest could be lost over the next 5 years due to a transfer of long-term interest bearing notes. Coupled with the \$2 billion that could be lost in interest to the Social Security Trust Funds, the Civil Service and Military Retirement Trust Funds and the Federal Supplemental Trust Fund have lost \$248 million since October 1.

In an attempt to restore order and confidence to these trust funds, Congressman JIM JONES and I offered language during the conference committee on Gramm-Rudman to ensure that money that was not invested in the trust funds and money that might have been disinvested in the trust funds will be paid back by the Treasury Department. While the language was accepted in the conference and was made part of the Democrats' alternative, the issue remains unresolved.

Mr. Speaker, it seems that we, as Representatives of the people, have an obligation to the retirees of this country. They have worked hard and paid into Social Security and other pension plans to guarantee a better life for themselves and their families during their later years. And, for years they have been plagued by threats of freezes and reductions to these programs. Today, they awake to news that more money has been taken from their programs, with no guarantees that the money will be returned. Isn't it time that we intervene and say enough is enough, protect these funds from further piracy.

On Wednesday, I will chair a hearing in my subcommittee on compensation and employee benefits on the status of the Civil Service Trust Fund. Like Chairman JONES' hearing on the Social Security Trust Fund last week, I hope to receive the most current information on the trust funds and the ramifications of failure to reinvest.

Finally, Mr. Speaker, I cannot assure that my hearing will allay the fears of Federal retirees and employees. All I can say is that as a conferee to the Gramm-Rudman legislation, I am committed to protecting these trust funds.

GENERAL LEAVE

Ms. OAKAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, relative to the three bills on memorials that were previously considered today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

REPORT ON THE SITUATION AT THE EMBASSY IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 60 minutes.

Mr. MICA. Mr. Speaker, I had asked to take the floor originally to give a report on the situation that just came to a conclusion in Afghanistan. I will do that, but first I would like to say that the speakers who preceded me expressed my concern and I would like to be associated with their comments.

The Social Security Trust Fund is all too often the area or the item that the Government looks after first for money when we have a problem and we turn toward fulfilling our needs. I would simply say that at any time in the course of a legislative day the other body could stop the business of Government if it so desired. Their rules provide very liberally for delaying tactics. To choose an item that would hurt the senior citizens of our Nation, I think, was inappropriate, is inappropriate, and should not be allowed to continue.

This body did indeed pass an extension of the debt limit some months ago so we would not have to face this situation, and here we are being told that because of inaction by the Congress the functioning of Government and Social Security Trust Funds are in jeopardy. That is not correct. I would restate the fact that at any time Congress could stop the Government. In fact, I think either body could stop the Government if it so desired, but it was only done at this time when it would really hurt those who could least afford it.

With regard to the situation in Afghanistan, let me say that it has come to a conclusion. I do not think it was a successful conclusion, but nonetheless it is a conclusion. The young Soviet soldier is out, off the grounds of the Embassy, the power, the electricity, is on, but I believe the fallout has just begun.

□ 1400

I have great concern not only about the details that had been reported to me about this incident, but really about the Soviet reaction. Let me take just a moment to express those concerns.

The incident, as my colleagues may or may not know, started last Thursday when a young Soviet soldier entered the U.S. Embassy in Kabul, Afghanistan, and was not sure whether he wanted asylum in the United States or wanted to just simply get out of Afghanistan and return to his home in the Soviet Union. Before he had an opportunity to make up his mind and even sit down and visit with the Soviet officials under appropriate international accords, the power at the U.S. Embassy was cut, the Embassy was surrounded with troops. During the night floodlights were focused in the windows to harass our people and essentially international agreement after international agreement was broken.

Now, the Soviets sent a representative into the Embassy and said to this young man, "If you will return to the Soviet Union, we won't punish you. We will sign an agreement of amnesty of sorts if you would just go home and put the matter behind you."

I am told by the people at the State Department that this young Soviet soldier was pretty smart and capable and he questioned whether or not the Soviets really would live up to an agreement that they signed. After he has done this and returns home, what really will happen to him?

I think that is the whole point of why I am here today. We should continue like that young Soviet soldier to question all the agreements that are signed by the Soviets, all the promises that are given. Here a minor, if you will, diplomatic incident, covered by dozens of treaties, covered by international agreements and volumes of diplomatic language, that when someone from one country wants to defect or leave for another country, there is an agreement, and the Soviets without so much as the blink of an eye or any concern cut off the power, violated an agreement, turned on the spotlights, violated agreements, surrounded it with troops.

Now President Reagan is going to Moscow, going to Geneva to talk about signing an agreement, an arms control agreement, that really affects the future of mankind. A young soldier is not sure they are going to keep an agreement of not prosecuting him; a Korean airliner was shot down, clearly marked, but a violation of international law; Major Nicholson was shot in plain sight in violation of all our agreements.

It just leads me to question what I have always known and what most Americans know, that all these agreements and all this talk about Geneva and signing on paper what we will and will not do in a given situation, really does not mean much if when it comes down to the test that without the blink of an eye they will shoot down an airliner, they will cut off the power

in an embassy in a basic diplomatic squabble, and violate agreement after agreement.

So I think the fallout from this Afghan situation is this. Americans ought to insist that the Government when negotiating arms control agreements, when discussing problems in Geneva, put no faith in the agreements signed by the Russians, but make sure that we can verify, and that means we look and we are able to check on the agreements; make sure that every word is mutual, that we both agree, and that we really do not sit back with some piece of paper and say, well, the Russians have signed it, because they sign diplomatic agreements to say that if their citizens seek asylum, they would follow normal diplomatic protocol and what makes us think that when it comes to nuclear weapons that they would be any stronger, any more appropriate?

What we have seen is a demonstration of character, character that says we have no problem with violating any agreement, be it minor or major.

So I hope we keep this in mind. I hope the incident in Afghanistan does not fall off the front pages and into the back of the minds of those who are negotiating our treaties.

I know we need to proceed. I have supported these procedures at Geneva and the arms control talks, but we need to remember, we have a different way of thinking in this country. Sometimes Americans have lived their lifetimes because they knew a handshake meant something, because that is our morality, that is our approach, that is the way we were brought up. Others need a signed contract, because that is our law and that is what we abide by. To still others in this world, be it a handshake, a contract, or an international treaty, it means absolutely nothing.

ESTABLISHING HUNTING AND FISHING MANAGEMENT AREA IN CENTRAL OREGON RAJNEESH RANCH AREA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Mr. WEAVER] is recognized for 30 minutes.

Mr. WEAVER. Madam Speaker, I have just introduced a bill to establish a hunting and fishing management area in the central Oregon area where in the Rajneeshis ranch is located. This ranch, a 64,000-acre ranch, called the Big Muddy Ranch, was purchased by the cult of the Rajneeshis around 5 years ago and along one of the canyons they built a city called Rajneeshpuram. They extended this area on to the John Day River, one of the great wild and scenic rivers of this country, and had plans to build a city of 100,000 people on this ranch.

Now, this is arid land, desert land of huge bluffs and deep canyons and crevices and along the John Day River in central Oregon the red rock faces are some of the most magnificent scenery in our Nation.

The State of Oregon has named the John Day as a wild and scenic river. In fact, when there was some development on the east side of the John Day across from Rancho Rajneesh, the State of Oregon condemned the land that was to be developed to keep it from development to safeguard the John Day.

My bill would take the eastern portion of the ranch all the way to the John Day River, purchase those lands presently owned by the Rajneeshis, incorporate them with the Bureau of Land Management public land holdings and make a hunting and fishing area to be Managed by the Bureau of Land Management to protect the John Day River and have that land completely open and available to the public for hunting, fishing, and recreation.

If the Rajneeshis had built their city of 100,000 people, it will have brought an urban growth area into land that should never have even come close to that kind of inhabitancy. They would have built thousands of condominium units along the John Day River, desecrating the scenic values of that great river for our lifetime.

I investigated this summer a land slot between the Rajneeshis and the Bureau of Land Management. It is an understandable land slot. The lands in those areas are called checkerboards. In other words, here is a 640-acre section of privately owned lands, in this instance owned by the Rajneeshis, and then next door will be a 640-acre section owned by the public—the Bureau of Land Management. There are checkerboards throughout the area like that.

The BLM likes to incorporate all its lands together for management purposes. This will then trade the white checkerboard squares for the black checkerboard squares, so you have private land on one side and public land on the other.

Well, this land swap met with most people's approval, even though many people did not like the Rajneeshis and questioned whether the Rajneeshis should then have access for grazing and other uses on the public lands; so I went in August and spent a number of days in the area, flew over it in helicopters, boated the John Day, walked the John Day, went all over it in a pickup truck. The roads there are barely ruts. It takes a good, strong four-wheel-drive vehicle to get through most of the area, and I pored over the maps at night and realized that if the BLM had made the land swap with the Rajneeshis, it would have enabled them to build their city

of 100,000 or more, because it would have incorporated the Rajneeshis' lands in areas they needed in order to develop and would have allowed the Rajneeshis to develop along the John Day River. It would have given the Rajneeshis access to the two other ownership areas, allowing them to develop those other areas.

So I went back home to Eugene in Springfield where I live. I called up the Bureau of Land Management, the Director of the Oregon BLM, and I said, "I am withdrawing my support of the land slot and I want you to withdraw it as well. I think it would seriously endanger the values of the John Day River and would also allow a huge buildup of population in this desert area."

The Bureau of Land Management subsequently, 2 days later, accepted my request and withdrew the land slot. There is a lot of history after that. A few days later, the female leader, Ma Anand Sheela, absconded with several other of her cohorts to Europe and, a few weeks after that, the cult leader, the Bhagwan Shree Rajneesh, tried to flee the country in a jet plane. They have both been apprehended and I am certain will be investigated for serious crimes.

But that land issue is still out there. It is still a checkerboard land. The Rajneeshis still have the potential to use the powers of Rajneesh, the city of Rajneeshpuram, to zone the land in any way they wish and it could possibly be developed, either by the Rajneeshis themselves or some future owner, into a huge condominium resort along the John Day or a city of 100,000 if anybody so sees the value of that.

So, for this reason and for the reason of providing an exclusive hunting, fishing, and recreation area along the John Day, I have introduced this bill today to take Rajneesh lands on the east end of the ranch and incorporate them with the BLM lands to create one public ownership all the way from the county road running north-south to the John Day River, including the lands along the John Day now owned by the Rajneeshis, and make them publicly owned and exclusive hunting, fishing, and recreation areas. There would be no motor vehicle usage allowed. No helicopters could fly over the area.

One of the tricks the Rajneeshis constantly pulled was to harass ranchers and recreationists in the area by flying their helicopters low over them. One day last May their Rajneesh helicopter flew 23 times over fishermen and swimmers in the John Day River harassing them. My bill would prohibit low-flying helicopters as well as motorized vehicles in this area and make the land along the John Day publicly owned, to protect the John Day.

Now, the Rajneeshis have built one garden area along the John Day, an area of about 80 acres that they have put into row crops—irrigated row crops. We all commend that kind of agriculture, so I have not included that garden area in the taking provisions of the bill.

□ 1415

The bill does provide a scenic easement for that area so it never could be developed into condominium units or highrises or whatever.

As I say, there is a precedent for the condemnation of the land because the State of Oregon condemned land directly across the river from Rancho Rajneesh on the John Day about 3 or 4 years ago. My bill would, either through negotiated purchase or condemnation, take the Rajneesh land in the eastern portion of the ranch and incorporate it with the BLM land into a hunting, fishing, and recreation area.

One of the reasons I do not want to see a huge city built up there, besides its environmental effects on the land and the water resources in that arid area of the country and the protection of the John Day, is that the Rajneeshis themselves are very dangerous people. When I was over in the area last August investigating the land swap, one of the local ranchers, John Bauerman, told me that a year ago his wife was pregnant and about to give birth, and the Rajneeshis had taken huge floodlights across the river and shined them into their bedroom windows at night from across the weir, frightening them, shining them into their other child's bedroom and frightening her, deliberately harassing these people.

There is an incident of a county commissioner, or several county commissioners of Wasco County, coming down to inspect the sanitation facilities at Rajneeshpuram, drinking water given them by the Rajneeshis, and subsequently coming down with a violent poisoning, and Commissioner Bill Halse was hospitalized for 4 days and was near death.

Subsequent to that, there was the poisoning of the entire city of The Dalles. The Dalles is the county seat of Wasco County and sits on the Columbia River north of Rancho Rajneesh, a town of around 11,000 people; 750 people were hospitalized in The Dalles from this outbreak of salmonella typhimurium coming from eight salad bars over a 1-week period.

I made a speech on the floor of the House last February in which I said that this was deliberate poisoning. I suspected the Rajneeshis did it, and I made that speech for one reason and one reason only, because I believe these people to be extremely dangerous. I believe the lives and the safety

and the health of thousands of Oregonians were in danger because the Rajneeshis could have come in and done the same poisoning to Eugene, or to Springfield, or to Medford, or to Portland, or to any other place. We believe that they actually tried to poison the water supply of the city of The Dalles, although the people running the water system of The Dalles cut off that source of water, making it impossible for the Rajneeshis to poison the water supply in that situation, but they did poison the town of The Dalles by putting this extremely dangerous bacteria in the salad bars and sent 750 people to the hospital.

Today, the newspapers in Oregon are filled with the story that a Rajneeshi informant has said that he or she was involved in this, had direct knowledge of the poisoning of The Dalles, and took part in the actual putting of the bacteria in the salad bars.

When I made that speech last February, I did so, as I said, because I thought an extremely dangerous situation existed in Oregon, that thousands, tens of thousands of people could have become sick or died from subsequent poisonings by the Rajneeshis and I wanted the police authorities to investigate further. I asked the FBI several times, "Please go in. Please go to the medical laboratory in Rajneeshpuram and see what they are doing there," and no investigation of that kind was made.

One of the main reasons no investigation of that kind was made was because the health authorities of the State of Oregon, in investigating the salmonella poisoning, concluded that absolutely and categorically no sabotage was done. When I made my speech on the floor of the House last February saying the town was poisoned, it was deliberate, and probably the Rajneeshis did it, the health authorities said there was absolutely no possible reason to suspect sabotage, it was not done, and people reading this thought I was wrong and the police authorities said if the health authorities say there was no possibility of poisoning, there must not have been.

I asked the health authorities, I said, "For heaven's sake, you cannot say that. How else can you explain a sudden outbreak of salmonella poisoning in eight different restaurants at the same moment with no common food source?" They came up with the weak idea it was the food handlers, when everybody knows salmonella is not passed around from hand to hand. It takes ingestion of food containing the bacteria to give you the food poisoning from salmonella, and yet these health authorities squashed, in effect, any policy investigation, meaning that for 1 year the lives of tens of thousands of Oregonians were in danger.

Thank goodness we know of no other widespread outbreak. The Raj-

neeshis either did not try one, or they were not successful in trying it, but they certainly could have. They did it once or twice, and they could have struck again. We have information now that they were culturing AIDS in their laboratory under a code name "Moses-5." I think you know what Moses-5 would mean. Moses would mean the Ten commandments and 5 would mean the fifth commandment, and the fifth commandment is, "Thou shalt not kill." Their idea almost certainly was to kill off as many people in this country as they possibly could with the AIDS culture.

That takes further investigation. We have only several informants to tell us that, and I raise the issue here on the floor of the House simply to show the potential of their danger.

But the Oregon State health authorities, Dr. Googins and Dr. Larry Foster, after I made my speech on the floor of the House and said the people are dangerous, we must investigate them, we must watch them, these health authorities came out and said, "No, no. No possibility of sabotage whatever," when it was obvious. I did an intensive investigation of the health data from that outbreak of salmonella in The Dalles and it was very clear that there was almost no other possibility than sabotage. I do not see how these health authorities could come up with any other possibility but sabotage. They did not have evidence. I understand that. They did not have conclusive, smoking-pistol-in-the-hand evidence, but the conclusion was so obvious there was no other real cause that could be imagined.

The Rajneeshis, on the very week of the poisoning, were saying that they were going to kill 15 Oregonians for every 1 of them. That was a statement made by Ma Anand Sheela on September 14, the very weekend that the salmonella poisoning occurred in The Dalles. "We are going to kill 15 Oregonians for every 1 of us."

Was the hint not enough to the health authorities and to the police authorities that these people were dangerous and capable of the salmonella poisoning? Why did we have to wait a year to find out from stoolpigeons inside their own camp that, yes, indeed, they had done the poisoning.

Why did 9 months go by after my speech on the floor of the House of Representatives saying they did it, there was a deliberate poisoning of the whole town, 750 people sent to the hospital, our lives are in danger in Oregon, and no investigation because the health authorities squashed it by saying, "Oh, no. WEAVER is wrong. WEAVER does not have any base to go on."

I say this was irresponsible and jeopardized the lives of many Oregonians. We do not know now whether the danger is past. Ma Anand Sheela and

her group of evil maniacs have absconded to Europe. She is now under arrest. The Bhagwan Shree Rajneesh has tried to flee the country. What greater confession of sins is there than that? But there are still several thousand followers at Rajneeshpuram, leaderless, but may they want to avenge their guru? Who knows? The danger is not past and we must be extremely cautious and aware.

But if the authorities had gone in, as I had asked them to, I made one specific request when I made my speech last February. I said, "At least go into the medical laboratory. That you have the right to do. It is, in effect, a public laboratory licensed by the State. Go into that medical laboratory and find out what is going on there."

□ 1425

"Oh, we would not find out anything," said the authorities, so they did not do it.

Well, now we find out, and this is documented fact, that the Rajneeshis had been buying cultures of various kinds of bacteria from the Warm Springs Indian Reservation Laboratory a few miles away for the last 3 years, and had been making inquiries to the Warm Springs medical facilities about things like salmonella bacteria, and had been making inquiries about various other diseases. This certainly should have aroused a suspicion, if anyone had heeded my words and gone in and made an investigation.

So I say this was irresponsible of the health authorities. They should not have quashed the investigation. Instead, they should have undertaken a thorough investigation themselves. They should, of their own initiative, have gone into the laboratory at Rajneeshpuram and should have asked and made inquiries at the Warm Springs Reservation if the Rajneeshis had made any inquiries, and they would have found out a very frightening thing then. The Rajneeshis were culturing deadly poisons in their laboratories and were using them on American citizens.

So I think you can understand why I believe that it serves a various number of purposes to incorporate the eastern end of Rajneesh Ranch into a hunting and recreation and fishing reserve to be managed by the BLM on behalf of the public, along the John Day River, the great wild and scenic river of central Oregon.

I think this is a valuable bill, one that will enhance the recreational values of central Oregon and allow the public easy access. It is not easy to get in there. You have to climb some tall bluffs and do some hiking, but it is worth it. It is beautiful country; magnificent country. And, also, boating the John Day is one of the great experiences if you so choose.

By incorporating this land and buying it from the Rajneeshis, those checkerboards that they own, and incorporating the whole thing all along the river, everywhere east of the county road, it is around 5,000 acres of Rajneesh land that we would be taking. The cost should not be more than minimal because, frankly, that land is arid land. You cannot even graze a cow on it, and the value is very low. It would cost the taxpayer a very small amount of money. I would not know how much right now that would be, but very nominal, very nominal; less than we pay for the tail fin of a bomb.

But I would hope that we can speed the bill along its way, because, once that bill is enacted into law, one of the things that occurs is it will no longer be possible for the Rajneeshis to build their big, huge city, or anyone else. The dream of a city state at Rajneeshpuram all by itself, threatening outsiders with things like salmonella poisoning, that day will be over.

Mr. Speaker, I yield back the balance of my time.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. WEAVER, for 30 minutes, today.

(The following Members (at the request of Mr. STRANG) to revise and extend their remarks and include extraneous material:)

Mr. GILMAN, for 5 minutes, today.

Mr. SAXTON, for 5 minutes, today.

Mr. GEKAS, for 5 minutes, today.

Mr. STRANG, for 60 minutes, November 5.

(The following Members (at the request of Ms. OAKAR) to revise and extend their remarks and include extraneous material:)

Mr. JONES of Oklahoma, for 15 minutes, today.

Mr. RAY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. HUBBARD, for 5 minutes, today.

Mr. OBEY, for 60 minutes, November 4.

Mr. OBEY, for 60 minutes, November 5.

Mr. OBEY, for 60 minutes, November 6.

Mr. MICA, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. STRANG) and to include extraneous matter:)

Mr. GINGRICH.

Mr. FRENZEL in five instances.

(The following Members (at the request of Ms. OAKAR) and to include extraneous matter:)

Mr. FRANK.

Mr. KOSTMAYER.

Mr. LELAND.

Mr. MARKEY.

Mr. DURBIN.

Mr. LOWRY of Washington.

Mr. MAZZOLI.

Mr. HOYER.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. DE LA GARZA in 10 instances.

Mr. HAMILTON in 10 instances.

Mrs. LLOYD in five instances.

Mr. RODINO.

Mr. GARCIA in two instances.

Mr. SCHUMER.

Mr. SIKORSKI.

BILLS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following day present to the President, for his approval, bills of the House of the following title:

On November 1, 1985:

H.R. 2942. An act making appropriations for the legislative branch for the fiscal year ending September 30, 1986, and for other purposes, and

H.R. 1903. An act to provide for the use and distribution of funds appropriated in satisfaction of judgments awarded to the Chippewas of Lake Superior in dockets Numbered 18-S, 18-U, 18-C, and 18-T before the Indian Claims Commission and for other purposes.

ADJOURNMENT

Mr. WEAVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 30 minutes p.m.) under its previous order, the House adjourned until tomorrow, Tuesday, November 5, at 1 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

2210. Under clause 2 of rule XXIV, a letter from the Special Coordinator for International Disaster Assistance, Agency for International Development, transmitting a report on the use of funds by the Department of State and the Agency for International Development for drought and famine relief in Africa, pursuant to 22 U.S.C. 2291q nt., was taken from the Speaker's talk and referred to the Committee on Foreign Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X.

Mr. WEAVER introduced a bill (H.R. 3681) to manage certain lands within the Prineville District of the Oregon Division of the Bureau of Land Management for hunting, fishing and recreational purposes, and for other purposes, which was referred to the Committee on Interior and Insular Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Mr. BEREUTER.

H.R. 314: Mr. GALLO.

H.R. 512: Mr. MANTON.

H.R. 2768: Mr. BLILEY.

H.R. 3172: Mrs. ROUKEMA.

H.R. 3474: Mr. SKELTON and Mr. TALLON.

H.R. 3522: Mr. SKEEN, Mr. YOUNG of Florida, and Mr. LIVINGSTON.

H.R. 3555: Mr. LAGOMARSINO, Mr. MYERS of Indiana, Mrs. HOLT, Mr. WEAVER, Mr. BEDELL, and Mr. MARTINEZ.

H.J. Res. 297: Mr. HANSEN, Mr. BARNES, Mr. DEWINE, Mr. HUBBARD, Mr. MAZZOLI, Mr. HOYER, Mr. JONES of Tennessee, Mr. BUSTAMANTE, Mr. BURTON of Indiana, Mr. LEVINE of California, Mr. O'BRIEN, Mr. PRICE, Mr. BEDELL, Mr. YATES, Mr. APPLE-GATE, Mr. AKAKA, Mrs. KENNELLY, and Mr. SHUMWAY.

H.J. Res. 424: Mr. ACKERMAN, Mr. BORSKI, Mr. SUNIA, Mr. BROYHILL, Mr. PORTER, Mr. SHUMWAY, Mr. BLAZ, Mr. COURTER, Mr. DAN-NEMEYER, Mr. DELAY, Mr. DREIER of California, Mr. FIELDS, Mr. GILMAN, Mr. GREGG, Mr. HARTNETT, Mr. IRELAND, Mr. KINDNESS, Mr. LAGOMARSINO, Mr. LATTI, Mr. LEACH of Iowa, Mr. LEWIS of California, Mr. LIGHTFOOT, Mr. LOWERY of California, Mr. LUJAN, Mr. LUN-GREN, Mr. MADIGAN, Mr. MCCANDLESS, Mr. MCCOLLUM, Mr. MC EWEN, Mr. MCKINNEY, Mrs. MEYERS of Kansas, Mr. PACKARD, Mr. PETRI, Mr. ROBERTS, Mr. RUDD, Mr. SAXTON, Mr. SHAW, Mr. SLAUGHTER, Ms. SNOWE, Mr. SOLOMON, Mr. SWEENEY, Mr. TAUKE, Mr. THOMAS of California, Mrs. VUCANOVICH, Mr. WEBER, Mr. WHITTAKER, Mr. WORTLEY, Mr. ROSE, Mr. SCHEUER, Mr. HAYES, Mr. VALEN-TINE, Mr. OWENS, Mr. KOLTER, Mr. FOGLI-ETTA, Mr. MORRISON of Connecticut, Mr. MAC KAY, Mr. SYNAR, Mr. MOLLOHAN, Mr. MRAZEK, Mr. TALLON, Mr. PENNY, Mr. GUAR-INI, Mr. SCHUMER, Mr. TORRES, Mr. BROWN of Colorado, Mr. CHENEY, Mr. CRANE, Mr. DUNCAN, Mr. GALLO, Mr. HILER, Mrs. JOHN-SON, Mr. PURSELL, Mr. ROGERS, Mr. ROWLAND of Connecticut, and Mr. WYLIE.

H.J. Res. 436: Mr. DURBIN, Mr. HEFNER, Ms. MIKULSKI, Mr. YATES, Mr. BEREUTER, Mr. KANJORSKI, Mr. WHEAT, Mr. HAYES, Mr. ERDREICH, Mr. DYSON, Mr. THOMAS of Georgia, Mr. AU COIN, Mr. SCHUMER, Mrs. BOXER, Mr. JONES of Oklahoma, Mr. OWENS, Mr. LIGHTFOOT, Mr. BUSTAMANTE, Mr. KOST-MAYER, Mr. TRAFICANT, Mrs. KENNELLY, Mr. PETRI, Mr. OBERSTAR, Ms. OAKAR, and Mr. FORD of Michigan.

H. Con. Res. 211: Mr. CONYERS, Mr. KOLTER, Mr. TOWNS, Mr. HAMILTON, Mr. LANTOS, Mr. DORGAN of North Dakota, Mr. WAXMAN, Mrs. BURTON of California, Mr. SWIFT, Mr. MOODY, Mr. RAHALL, Mr. FRANK, Mr. HOWARD, Mr. ACKERMAN, Mr. SABO, Mr. AKAKA, Mr. COYNE, Mr. BATES, Mr. TORRES, Mr. MITCHELL, Mr. BUSTAMANTE, Mr. WEISS, Mr. BERMAN, Mr. NEAL, Mr. MRAZEK, Mr.

ROE, Mr. MILLER of Washington, Mr. DICKS, Mr. RANGEL, Mrs. BOXER, Mr. BROWN of California, Mr. BORSKI, Mr. BARNES, Mr. PENNY, Mr. KASTENMEIER, and Mr. LaFALCE.

PETITIONS, ETC.

Under clause 1 of rule XXII,

246. The SPEAKER presented a petition of the National Criminal Justice Association, Washington, DC, relative to the Fair Labor Standards Act; which was referred to the Committee on Education and Labor.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6

By Mr. CONTE:

(Amendment to the amendment in the nature of a substitute (text of H.R. 3670).)

Page 199, line 19 insert a period after "wildlife" and delete all thereafter through "lessor," on line 21.

Page 200, line 4 insert the following after the period: "The Secretary shall, under the terms of this section, obligate no more than \$30,000,000 in any fiscal year."

Page 312, line 9 strike "protection and".

Page 312, lines 10 and 11 strike ", mitigation of project-caused fish and wildlife losses (including habitat).",

Page 312, line 12, insert a comma before "shall".

Page 341, line 1, strike "involves" and insert in lieu thereof "necessitates the mitigation of fish and wildlife losses, including".

Page 341, line 4, after "such" insert "mitigation or enhancement, including acquisition of the".

Page 341, line 4, after "shall be" insert "undertaken or".

Page 341, line 6, after "shall be" insert "undertaken or".

By Mr. EDGAR:

(Amendment to the amendment in the nature of a substitute (text of H.R. 3670).)

Page 108, line 13, after the period add the following sentence: "For purposes of this section each element of the project for flood control, Mississippi River and tributaries, shall be considered as a separate project."

Page 310, line 15, insert "and" after the comma.

Page 310, line 16, change the comma to a period and delete all thereafter through page 311, line 8.

Page 311, line 22 after the period delete all through line 25.

Page 312, lines 1 and 2, strike "water resources study" and insert in lieu thereof "feasibility report".

Page 350, lines 12, and 13, strike "a high unemployment rate" and insert in lieu thereof "substantial and persistent unemployment".

Page 351, strike lines 1 through 7 and insert in lieu thereof:

"(2) A labor market area has substantial and persistent unemployment whenever the Secretary of Labor finds that the current rate of unemployment, as determined by appropriate annual statistics for the most recent 12 consecutive months, is 6 percent or more and has averaged at least 6 percent for the qualifying time periods specified in paragraph (ii); and that annual average rate of unemployment has been at least: (i) 50 percent above the national average for three of the preceding four calendar years, or (ii) 75 percent above the national average

for two of the preceding three calendar years, or (iii) 100 percent above the national average for one of the preceding two calendar years."

Page 365, line 7, insert "(a)" after the second period.

Page 365, after line 12, add the following new subsections:

"(b) The Secretary, in consultation with the Secretary of the Treasury, shall promulgate by rule provisions governing penalties and interest for any payments by non-Federal interests required pursuant to Section 211(b) of the Flood Control Act of 1970 that may fall delinquent.

"(c) No funds appropriated to the Corps of Engineers for operation and maintenance, including operation and maintenance of the project for flood control, Mississippi River and Tributaries, shall be used for the particular benefit of projects within the jurisdiction of any non-Federal interest when such non-Federal interest is in arrears for more than 24 months in the payment of charges due under an agreement entered into with the United States pursuant to Section 211(b) of the Flood Control Act of 1970."

Page 367, line 13, insert the following after "demonstration project": ", project modification, or other water resources project."

Page 399, after line 5, add the following new section:

"Sec. 1199J. Within one year of the date of enactment of this section, the Secretary shall promulgate rules pertaining to the preparation and application of cost allocation procedures applicable to all water and related land resource projects undertaken by the Secretary. Final publication of such rules shall follow public notice and opportunity to comment in accordance with the Administrative Procedure Act (5 U.S.C. 551-706) except that section 553(a)(2) shall not apply."

Page 399, after line 5, add the following new section:

"Sec. 1199J. Upon request of the Governor of a State, or the appropriate official of local government, the Secretary is authorized to provide designs, plans, and specifications, and such other technical assistance as he deems advisable, at Federal expense, to such State or local government for its use in carrying out projects for renovating navigable streams and tributaries thereof, by means of predominantly non-structural methods judged by the Secretary to be cost-effective, for the purpose of improved drainage, water quality, and habitat diversity."

Page 399, after line 5, add the following new section:

"Sec. 1199J. (a) Each contract entered into or amended subsequent to the date of enactment of this Act by the Secretary or his designee pursuant to the Water Supply Act of 1958, as amended (43 U.S.C. sec. 390b), shall require the non-Federal party entering into such contract to develop and implement a water conservation program. This section shall apply to all such contracts regardless of their duration or any other prior contracts entered into by the Secretary or his designee.

(b) For purposes of this section, a water conservation program shall—

(1) apply to all uses of water which is provided from, or conveyed through, federally constructed or federally financed facilities;

(2) contain definite goals;

(3) include loss reduction measures and demand management practices which ensure that the available water supply is

used in an economically efficient and environmentally sensitive manner;

(4) contain time schedules for meeting program goals and delineate actions to be taken by the Secretary or his designee in the event such schedules are not met; and

(5) provide for review and modification of the plan at not-to-exceed five-year intervals."

Page 399, after line 5, add the following new section:

"Sec. 1199J. No officer of the United States shall dispose of any vendible commodity or service, the provision of which is an authorized purpose of a water resources project constructed by the Secretary, at less than the full cost incurred by the United States in its provision, unless and to the extent provided by law."

Page 399, after line 5, add the following new section:

"Sec. 1199J. (a) Section 301(b) of the Water Supply Act of 1958, as amended (72 Stat. 319), is amended further as follows:

(1) Insert the following after the first proviso: "Provided further, That any letter of assurance required by law or regulation of State or local interests with regard to the inclusion of storage for municipal or industrial water in any reservoir project pursuant to this Act shall include a declaration of intention of the time when such interests are going to use any future water supply storage and repay the costs allocated thereto:"

(2) Strike the third proviso and insert in lieu thereof: "And provided further, That not to exceed 20 per centum of the total estimated cost of any project may be allocated to anticipated future demands where before construction or modification of any project including such storage is initiated, State or local interests contract for the use of such storage and the repayment of the costs allocated thereto within the life of the project:"

(3) In the fourth proviso, strike the "(1)" and strike all beginning with "and (2)" to the period at the end of the sentence, and insert in lieu thereof: "but in no case shall the payment-free period exceed ten years."

(4) After the first sentence insert the following: "All annual operation, maintenance, and replacement costs for municipal and industrial water supply storage under the provisions of this section shall be reimbursed from State or local interests on an annual basis;"

(5) Strike the second sentence and insert in lieu thereof: "The interest rate used for purposes of computing interest during construction and interest on the unpaid balance shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, taking into consideration average market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the repayment period of the contract."

(b) Nothing in this section shall be deemed to amend or require amendment of any valid contract entered into pursuant to the Water Supply Act of 1958 and approved by the Secretary of the Army or the Secretary of the Interior prior to the date of enactment of this Act."

By Mr. HOWARD:

(Amendment to the amendment in the nature of a substitute (text of H.R. 3670).)

—At the end of title XI, add the following new section:

Sec. 1199K. (a) The Secretary shall make a grant of \$50,000, subject to an appropriation for that purpose, to the Governor of

the State of Florida for the establishment of a Miami River Management Commission to develop a comprehensive plan for improving the water quality of the Miami River, Florida, and its tributaries and managing all activities which affect the water quality and use of such river and tributaries. The commission shall be composed of seven members appointed by the Governor.

(b) There is authorized to be appropriated to carry out this section \$50,000 for fiscal years beginning after September 30, 1985.

Page 3, line 21, after the period insert the following: "Notwithstanding section 105(d) of this Act, the cost of any relocations described in such section which are necessary for construction of such project shall be at full Federal expense."

Page 6, line 3, after "Service," insert "the National Marine Fisheries Service."

Page 8, line 15, strike out "65" and insert in lieu thereof "70".

Page 12, strike out line 9 and all that follows through line 2 on page 12 and insert in lieu thereof the following:

KILL VAN KULL AND ARTHUR KILL, NEW YORK AND NEW JERSEY

The project (1) for navigation, Kill Van Kull and Newark Bay Channels, New York and New Jersey: Report of the Chief of Engineers, dated December 14, 1981, at an estimated cost of \$260,000,000 and (2) for navigation, Arthur Kill, New York and New Jersey: Draft report of the District Engineer for New York, dated May 1983, except that such project shall extend the Arthur Kill Channel at a depth of 40 feet to the Fresh Kills in Carteret, New Jersey, and such easing of bends as the Secretary determines are necessary to enhance navigation, at an estimated cost of \$85,000,000. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, the project described in clause (1) if such acquisition and actual construction have not been approved by resolution adopted by the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. The project described in clause (2) shall include any modifications that may be recommended by the Secretary with respect to such project under section 103 of this Act.

Page 16, line 17, strike out "\$60,000,000" and insert in lieu thereof "\$145,000,000".

Page 35, after line 23, insert the following: (9) Notwithstanding any other provision of law, the Secretary shall not collect fees or other charges from non-Federal interests for the disposal of dredge material resulting from the construction, operation, or maintenance of any project authorized by this Act into the Craney Island dredge disposal facility, Virginia.

Page 38, line 12, insert "(1)" after "to".

Page 38, line 14, strike out the period and insert in lieu thereof the following: ", (2) the construction or modification of the four anchorages authorized as part of the Channel to Newport News, Norfolk Harbor, and Thimble Shoal Channel, Virginia, project, authorized by the Rivers and Harbors Act of 1965, and (3) the construction of the anchorage authorized as part of the project for navigation, Norfolk Harbor and Channels, Virginia, authorized by section 101 of this Act."

Page 66, line 2, after the period insert the following: "The Secretary shall include as part of the non-Federal contribution of the

project any local flood protection work carried out by non-Federal interests after January 1, 1978, and before the date of the enactment of this Act which work the Secretary determines is reasonably compatible with the project. Costs and benefits resulting from such work shall continue to be included for purposes of determining the economic feasibility of the project."

Page 68, after line 12, insert the following:

RIO PUERTO NUEVO, PUERTO RICO

The project for flood control, Rio Puerto Nuevo, Puerto Rico: Report of the Board of Engineers for Rivers and Harbors, dated September 4, 1985, at an estimated cost of \$180,000,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section.

Page 104, strike out lines 3 through 12.

Page 104, line 13, strike out "(2)" and insert in lieu thereof "(m)".

Page 93, strike out line 15 and all that follows through line 8 on page 95 and insert in lieu thereof the following:

The project for flood control, Santa Ana River Mainstem, including Santiago Creek, California: Report of the Chief of Engineers, dated January 15, 1982, and as modified by the Report of the District Engineer, dated September, 1985, at an estimated cost of \$1,100,000,000, including such measures as may be recommended by the Secretary in the report transmitted under this paragraph. The Secretary shall study (1) the feasibility and environmental impact including conservation storage at the end of the winter storm season at Prado Dam as a project purpose, (2) the effects of such storage on recreation and leasehold interests at Prado Reservoir and on riparian rights downstream of such dam, and (3) any water supply benefits associated with such storage. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study. The right-of-way taking line for Prado Reservoir shall be limited to elevation 566 feet. Funds may be appropriated to the Environmental Protection and Mitigation Fund pursuant to Section 1104 of this Act and to the construction fund for engineering and acquisition of real property. Actual physical construction of the project may commence upon adoption of resolutions of agreement for said construction by the non-Federal sponsoring agencies. Any relocation of the Talbert Valley Channel undertaken in connection with the project shall be constructed with a channel capacity sufficient to accommodate a 100-year flood.

Page 99, line 3, after the period insert the following: "The Secretary is authorized to undertake reasonable measures for mitigation of fish and wildlife losses in connection with the measures undertaken under this paragraph."

Page 99, line 9, after the period insert the following: "The Secretary is authorized to accept funds from a project cosponsor in connection with construction of such project."

Page 115, after line 2, insert the following: Sec. 308. The Secretary shall include as part of the non-Federal contribution of the project for flood control, Fairfield Vicinity Streams, California, authorized in accordance with section 201 of the Flood Control Act of 1965, the cost of any work carried out by non-Federal interests on the project

after December 31, 1973, and before the date of the enactment of this Act, if the Secretary determines such work is reasonably compatible with the project. Costs and benefits resulting from such work shall continue to be included for purposes of determining the economic feasibility of the project.

Page 115, after line 21, insert the following:

ORCHARD BEACH, NEW YORK

The project for beach erosion control, Orchard Beach, New York: Draft Report of the District Engineer, New York District, dated July 1985, at an estimated cost of \$2,480,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section.

Page 119, after line 20, insert the following:

PINELLAS COUNTY, FLORIDA

The project for beach erosion control for Pinellas County, Florida: Report of the Board of Engineers for Rivers and Harbors, dated April 23, 1985, at an estimated cost of \$14,000,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section.

Page 124, line 24, after the period insert the following: "In addition, the Secretary is authorized and directed to conduct necessary reconnaissance studies and feasibility studies on extending such project from Lawrence, Massachusetts, to Haverhill, Massachusetts, and from Haverhill, Massachusetts, to the mouth of the Merrimack River."

Page 129, line 14, after the second comma insert the following: "except that such project shall be constructed, operated, and maintained at full Federal expense."

Page 141, strike out lines 3 through 6.

Page 152, line 4, after the period insert the following: "In addition, for the purpose of providing improved flood protection, the Secretary, on an emergency basis, shall alter Beatties Dam in Little Falls, New Jersey, by installation of flood gates or make other improvements to such dam and shall remove the existing rock shelf in the vicinity of such dam, at an estimated cost of \$15,000,000."

Page 168, line 25, strike out "consisting" and all that follows through the period on line 4 of page 169 and insert in lieu thereof the following: "consisting of one or more of the reclamation project alternatives (other than the ocean outfall alternative) included in the Final Environmental Impact Report, Sonoma County Wastewater Reclamation Project, adopted by the Sonoma County Board of Supervisors, April 21, 1981, that the Secretary considers appropriate, at an estimated cost of \$150,000,000. Such project shall only be constructed after consultation with affected local governments."

Page 173, line 3, after "of" insert "the Virgin Islands."

Page 173, line 8, strike out "four" and insert in lieu thereof "five".

Page 173, line 19, after the period insert the following: "Any funds made available under this section for a study for any such jurisdiction which is not needed for such study shall be available to the Secretary to construct authorized water resources projects in such jurisdiction and to implement the findings of such study."

Page 176, line 19, strike out "in response to" and insert in lieu thereof "subsequent to".

Page 186, after line 24, insert the following:

(d) Notwithstanding any other provision of law (including the Water Supply Act of 1958), the Secretary may not enter into any contract for the sale of storage to be reassigned to water supply in any water resource project under the jurisdiction of the United States that is not based on—

(1) repayment of the portion of the original construction cost of such project, including interest during construction that has been reallocated to water supply, and

(2) the interest accrued on the construction cost from the date of construction to the date of such reallocation,

until completion of the study under this section and enactment of a law after the date of enactment of this Act which authorizes the Secretary to enter into such a contract. The interest rate during construction and accrued construction cost interest shall be determined by the Secretary of the Treasury for the fiscal year in which construction of such project was initiated.

—At the end of title V, add the following new section:

Sec. 542. The Secretary is authorized to take such measures as may be necessary to maintain a harbor of refuge in Port Ontario, Sandy Creek, New York. Non-Federal interests shall provide a public wharf and such other facilities as may be necessary for a harbor of refuge which shall be open to all on equal terms and such other requirements as the Secretary deems necessary.

Page 192, line 8, strike out "restore" and insert in lieu thereof "construct".

Page 193, line 23, strike out "\$425,000" and insert in lieu thereof "\$1,600,000".

Page 204, line 25, after "River" insert "and take such other actions as may be necessary".

Page 205, line 6, after the period insert the following: "The Secretary is authorized and directed to conduct further study and design on such project."

Page 209, line 1, strike out "to" and all that follows through "facility," on line 4 and insert in lieu thereof "to dredge the modified harbor area,".

—At the end of title VI, add the following new section:

Sec. 631. (a) The Secretary shall conduct a feasibility study on providing flood protection along the James River, South Dakota.

(b) Not later than two years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of such study together with such recommendations as the Secretary determines to be appropriate.

Page 213, strike out lines 23 and all that follows through line 2 on page 214 and insert in lieu thereof the following: "Secretary to dredge and maintain a 250-foot wide channel in the Upper Newport Bay to the boundary of the Upper Newport Bay State Ecological Preserve to a depth of 15 feet mean lower low water, and to deepen the channel in the existing project below the Pacific Coast Highway bridge to a depth of 15 feet mean lower low water, at an estimated cost of \$2,500,000."

Page 220, line 6, after the period insert the following: "The Secretary is authorized to reimburse the non-Federal interest for the cost of the dredging and maintenance incurred by the non-Federal interest in advance of this modification if the Secretary determines that such work is reasonably compatible with the project."

Page 226, after line 23, add the following new section:

Sec. 782. The project for Fishtrap Lake, Pike County, Kentucky, authorized as part of the flood control project for the Ohio River Basin by section 4 of the Flood Control Act approved June 28, 1938 (52 Stat. 1217), is modified to authorize the Secretary, notwithstanding the completion of such project in 1986, to acquire by purchase any property in the drainage area for Fishtrap Lake, Kentucky, which is being used as a residence and any property in such drainage area which is being used as a cemetery and to relocate the owners of any property so acquired and any cemetery so acquired.

Page 226, after line 23, insert the following:

Sec. 782. The Sabine River channel of the Sabine-Neches Waterways, Texas, authorized by the River and Harbor Act of 1954, is modified to authorize an extension of such channel at a depth of 30 feet and a width of 200 feet, from its present upstream terminus opposite Green Avenue in Orange, Texas, generally following the present river alignment a distance of approximately one and one quarter miles to a point opposite Little Cypress Bayou.

—At the end of title VII, insert the following new section:

Sec. 782. The project for flood control, Clarks Hill Reservoir, Savannah River Basin, Georgia and South Carolina, authorized by the Flood Control Act approved December 22, 1944, is modified to include recreation and fish and wildlife management as project purposes. Project lands which are managed or reserved as of the date of the enactment of this section for the conservation, enhancement, or preservation of fish and wildlife and for recreation shall be considered as lands necessary for such purposes.

—At the end of title VII, insert the following new section:

Sec. 782. The project for flood control, Red Rock Dam and Lake, Iowa, authorized by the Flood Control Act approved June 28, 1938, is modified to authorize the Secretary—

(1) to acquire by purchase fee simple interest in real property, and

(2) to acquire additional flowage easements in real property,

which is subject to periodic flooding in connection with the operation of the project.

—At the end of title VII of the bill, insert the following new section:

Sec. 782. The project for navigation, Cape Charles City Harbor, Virginia, authorized by the River and Harbor Act approved March 2, 1945 (59 Stat. 15), is modified to provide that the local interests shall not be required—

(1) to provide bulkheads, or

(2) to reserve berthing space for general public use, along a greater distance of the shoreline than such bulkheads are provided or such berthing space is reserved on the date of the enactment of this Act.

Page 226, after line 23, insert the following:

Sec. 782. The project for navigation, East Chester Creek, New York, authorized by the River and Harbor Act of 1950, is modified to provide that the Secretary, out of any amounts made available to the Secretary for operation and maintenance of water resources projects, shall dredge within two years after the date of the enactment of this Act, and maintain thereafter, the Y-shaped portion of such project, at an estimated cost of \$500,000.

Page 286, strike out lines 15 through 17.

—At the end of title IX, add the following new section:

Sec. 916. The Patoka Reservoir, Wabash River, Indiana, authorized by the Flood Control Act of 1965 shall hereafter be known and designated as the "Vance Hartke Reservoir". Any law, regulation, document, or record of United States in which such reservoir is referred to shall be held to refer to such reservoir as the "Vance Hartke Reservoir".

—At the end of title IX, add the following new section:

Sec. 916. The Stinson Creek Recreation Area which is to be constructed by the Army Corps of Engineers as part of the Columbus Lake portion of the Tennessee-Tombigbee Waterway project and which is located in Lowndes County, Mississippi, shall hereafter be known and designated as the "DeWayne Hayes Recreation Area". Any law, regulation, document, or record of the United States in which such recreation area is referred to shall be held to refer to such recreation area as the "DeWayne Hayes Recreation Area".

Page 256, strike out lines 11 through 13.

Page 260, strike out lines 15 through 19.

Page 264, after line 9, insert the following:

That portion of the project for navigation, Tampa Harbor and Hillsborough Bay, Florida, authorized by the Act of August 8, 1917, which portion consists of the turning basin at the junction of Garrison Channel, Seddon Channel, and Hillsborough River.

Page 265, strike out lines 17 through 19.

Page 269, strike out lines 4 through 6.

Page 269, strike out lines 16 through 22.

Page 287, strike out lines 12 through 16.

Page 299, strike out lines 3 and 4.

Page 306, strike out lines 9 through 11.

Page 309, after line 20, insert the following:

(c) The interest rate used for purposes of analyzing the costs and benefits of any water resources project for which an agreement under section 215 of the Flood Control Act of 1968 has been entered into before the date of the enactment of this Act shall be the applicable interest rate at the time such agreement was entered into.

Page 323, line 13, strike out "2,400" and insert in lieu thereof "2,500".

Page 325, line 17, after the period insert the following: "Such approval shall not constitute authorization of any recommendation contained in such master plan."

Page 326, after line 13, insert the following:

(3) For the purpose of ensuring the coordinated planning and implementation of programs authorized under subsections (e) and (h)(2) of this section, the Secretary shall enter into an interagency agreement with the Secretary of the Interior to provide for the direct participation of the Fish and Wildlife Service and any other agency or bureau in the Department of the Interior in the planning, design, implementation, and evaluation of such programs.

Page 326, line 14, strike out "(3)" and insert in lieu thereof "(4)".

Page 326, line 20, after "recommendations" insert "and offer other recommended changes to the master plan".

Page 326, line 22, after "comments" insert "and other recommended changes".

Page 326, line 23, after "comments" insert "and other recommended changes".

Page 327, line 1, after "with" insert "the Secretary of the Interior and".

Page 327, line 14, after "with" "the Secretary of the Interior and".

Page 328, strike out line 18 and all that follows through line 2 on page 329.

Page 329, line 3, strike out "(7)" and insert in lieu thereof "(6)".

Page 329, line 11, after "Secretary" insert ", in consultation with any such agency."

Page 330, line 1, before "any agency" insert "the Secretary of Transportation and".

Page 330, line 13, after "with" insert "the Secretary of the Interior and".

Page 330, lines 22, and 23, strike out "for each of the ten fiscal years beginning after the date of the enactment of this act".

Page 331, strike out lines 10, through 18.

Page 331, line 19, strike out "(2)" and insert in lieu thereof "(j)".

Page 331, line 20, strike out "paragraph (1) of this subsection," and insert in lieu thereof "subsection (d)(3) of this section,".

Page 332, after line 3, insert the following:

(k) Any sum authorized to be appropriated for a specific fiscal year by this subsection but not appropriated during such fiscal year is authorized to be appropriated for succeeding fiscal years until such sum has been appropriated. Any funds appropriated to carry out this section shall remain available until expended.

(1) This section may be cited as the "Upper Mississippi River Management Act of 1985".

Page 358, line 22, strike out the comma and all that follows through the period on line 24 and insert in lieu thereof a period.

Page 359, line 1, strike out "Hydroelectric" and all that follows through the period on line 4 and insert in lieu thereof the following: "The Secretary shall include in this study funds appropriated by previous Congresses, as well as any funds appropriated by the 99th Congress, as sunk costs."

Page 359, line 19, after the period insert the following: "As part of such study the Secretary shall consider appropriate measures to increase reliance on the private sector in the conduct of the water resources program of the Corps of Engineers."

Page 359, line 20, strike out "such capabilities" and insert in lieu thereof "the capabilities referred to in the first sentence of this section".

Page 360, line 25, strike out "to" and all that follows through the period on line 3 on page 361 and insert in lieu thereof the following: "may be used to pay the non-Federal share of any other Federal grant-in-aid program."

Page 395, line 9, after "jurisdictions" insert "or by a regulated public utility".

Page 396, lines 14 and 15, strike out "the purchase" and all that follows through the period on line 16 and insert in lieu thereof "\$32,000,000."

Page 397, strike out line 11 and insert in lieu thereof the following:

(g) Subsection (b) shall become effective on the earlier of—

(1) the 90th day following the date on which the Governor of the State of Florida certifies to the Secretary that such State has met the conditions set forth in subsection (h) unless the Secretary determines within such 90-day period that the State has not met such conditions; or

(2) the date of the final order in any action commenced by such State in a Federal district court for such State which includes a finding that such State has met such conditions.

(h) In order for subsection (b) to become effective the following conditions must first be met:

Page 397, line 24, after "such State" insert "or the Canal Authority of such State".

—At the end of title XI of the bill, add the following new section:

Sec. 1199K. The Secretary shall remove from the Miami River and Seybold Channel in Miami, Florida, between the mouth of the Miami River and the salinity control structure of 36th Street, any abandoned vessels and any vessels under the control of the United States by reason of their seizure or forfeiture. The Secretary shall enter into an interagency agreement to facilitate the removal of any vessel under the control of the United States with the head of any Federal department, agency, or instrumentality which has control of such vessel.

—At the end of title XI, add the following new section:

Sec. 1199K. The Secretary is authorized to undertake streambank erosion protection measures in Illinois along the Ohio River, from the mouth of the Ohio River to Uniontown Dam, and along the Wabash River, from the mouth of the Wabash River to its confluence with the Little Wabash River.

Page 399, after line 5, insert the following:

Sec. 1199K. Any funds appropriated after the date of the enactment of this Act to complete the Brewerton Extension of the Baltimore Harbor and Channels (connecting channels to the Chesapeake and Delaware Canal) authorized by the River and Harbor Act of 1958, which are not needed to complete such project because of savings resulting from the redesign of the project shall be used to carry out maximum maintenance dredging of the Inland Waterway from the Delaware River to the Chesapeake Bay, Delaware and Maryland (Chesapeake and Delaware Canal), authorized by the River and Harbor Act of 1954.

—At the end of title XI, add the following new section:

Sec. 1199K. Section 88(c) of the Water Resources Development Act of 1974 is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ", except for encroachments which are transportation facilities or other public facilities and which do not significantly change the flood plain boundaries or significantly reduce the capability for recreation of such areas."

—At the end of title XI, add the following new section:

Sec. 1199K. The Secretary is authorized to construct necessary repairs on the Marsh Creek Bridge near Foster Joseph Sayers Lake, Centre County, Pennsylvania, at an estimated cost of \$47,000.

Page 399, after line 5, insert the following:

Sec. 1199K. That portion of the waterway in which is located Dark Head Creek in the community of Middle River, Baltimore County, Maryland, lying northwest of a line extending south 88 degrees 37 minutes 56 seconds west from a point (227.50 feet from the northeast corner of the existing bulkhead and pier line) whose coordinates in the Maryland State Coordinate System are north 544967.24 and east 962701.05 (latitude north 39 degrees 19 minutes 42 seconds and longitude west 76 degrees 25 minutes 29.5 seconds) and thence south 44 degrees 48 minutes 20 seconds west, 350.12 feet to a point (at the southwest corner of the existing bulkhead and pier line) whose coordinates in the Maryland State Coordinate System are north 544635.94 and east 962242.46 (latitude north 39 degrees 19 minutes 39 seconds and longitude west 76 degrees 25 minutes 35.4 seconds), is declared to be a nonnavigable water of the United States for purposes of the navigation servitude.

(b) The line described in subsection (a) shall be established as a combined pierhead and bulkhead line of Dark Head Creek.

(c) Any project heretofore authorized by any Act of Congress, insofar as such project is within the boundaries of Dark Head Creek as described in subsection (a), is not authorized after the date of enactment of this Act.

(d) The right to alter, amend, or repeal this section is hereby expressly reserved.

Page 399, after line 5, insert the following:

Sec. 1199K. (a) Notwithstanding any other provision of law, if the agreement described in subsection (b) is executed by all parties described in subsection (b), the Cherokee Nation of Oklahoma may design and construct hydroelectric generating facilities (described in the report of the Chief of Engineers dated December 23, 1981) at the W.D. Mayo Lock and Dam on the Arkansas River in Oklahoma, in conformance with design and construction standards established by the Secretary.

(b) The Secretary and the Secretary of Energy shall enter into a binding agreement with the Cherokee Nation of Oklahoma under which—

(1) the Cherokee Nation of Oklahoma agrees—

(A) to design and initiate construction of the generating facilities referred to in subsection (a) within three years after the date of such agreement;

(B) to reimburse the Secretary for the costs incurred in—

(i) approving such design and inspecting such construction; and

(ii) providing any assistance authorized under subsection (c)(2); and

(C)(i) to release the Federal Government from any claim or cause of action which may arise from such design or construction, and

(ii) to indemnify the Federal Government from any liability which may arise from such design or construction;

(2) the procedures and requirements for approval and acceptance of such design and construction are set forth;

(3) the rights, responsibilities, and liabilities of each party to the agreement are set forth; and

(4) the amount of the payments under subsection (g), and the procedures under which such payments are to be made, are set forth.

(c)(1) No Federal funds may be expended for the design or construction of the generating facilities referred to in subsection (a) before the date on which title to such facilities are accepted by the Secretary under subsection (e).

(2) Notwithstanding any other provision of law, the Secretary may provide, on a reimbursable basis, any assistance requested by the Cherokee Nation of Oklahoma in connection with the design and construction of the generating facilities referred to in subsection (a).

(d) The Secretary is authorized—

(1) to approve the design of the generating facilities referred to in subsection (a), and

(2) to inspect (as may be necessary) the construction of such facilities.

(e) Notwithstanding any other provision of law, upon completion of the construction of the generating facilities referred to in subsection (a) and final approval of such facilities by the Secretary—

(1) the Cherokee Nation of Oklahoma shall transfer title to such facilities to the United States; and

(2) the Secretary shall—

(A) accept the transfer of title to such generating facilities on behalf of the United States, and

(B) operate and maintain such facilities.

(f) The Southwestern Power Administration shall market the power produced by the generating facilities referred to in subsection (a) in accordance with section 5 of the Act of December 22, 1944 (58 Stat. 890; 16 U.S.C. 825s).

(g) Notwithstanding any other provision of law, the Secretary of Energy may pay to the Cherokee Nation of Oklahoma, in accordance with the terms of the agreement entered into under subsection (b), out of the revenues from the sale of power produced by the generating facilities of the interconnected systems of reservoirs operated by the Secretary and marketed by the Southwestern Power Administration—

(1) all of the costs incurred by the Cherokee Nation of Oklahoma in the design and construction of the generating facilities referred to in subsection (a), including the capital investment in such facilities and interest on such capital investment; and

(2) for a period not to exceed 50 years, a reasonable annual royalty for the design and construction of the generating facilities referred to in subsection (a).

(h) Notwithstanding any other provision of law, the Secretary of Energy may—

(1) construct such transmission facilities as necessary to market the power produced at the generating facilities referred to in subsection (a) with funds contributed by non-Federal sources; and

(2) repay those funds, including interest and any administrative expenses, directly from the revenues from the sale of power produced by the generating facilities of the interconnected systems of reservoirs operated by the Secretary and marketed by the Southwestern Power Administration.

(i) As used in this section, the term "Secretary of Energy" means the Secretary of Energy, acting through the Southwestern Power Administration.

(j) There are authorized to be appropriated for the fiscal year in which title to the generating facilities is transferred and accepted under subsection (e), and for each succeeding fiscal year, such sums as may be necessary to operate and maintain such facilities and to market the power from such facilities.

Page 399, after line 54, insert the following:

Sec. 1199K. The Secretary of the Interior, acting through the Fish and Wildlife Service, is authorized and directed to sell surplus water which may be available at the Devil's Kitchen Lake project, Illinois, for municipal use to the city of Marion, Illinois, on such terms and at such rates as such Secretary determines to be reasonable based upon comparable rates in the area of southern Illinois.

Page 399, after line 5, insert the following new section:

Sec. 1199K. The property described in subsection (b) of this section is declared to be not a navigable water of the United States within the meaning of the Constitution and the laws of the United States.

(b) The property referred to in subsection (a) of this section consists of the following two parcels of land:

(1) All that piece or parcel of land, containing 120.54 acres, situate, lying and being in the city of Jersey City, Hudson County, State of New Jersey, upon or around that certain lot or piece of land known as the

Caven Point Area, being more particularly described as follows:

Beginning at a point in the southeasterly right-of-way line of Caven Point Road, said point being the southwesterly corner of a tract of land owned now or formerly by Tankport Terminals, Inc.;

thence along the southwesterly line of the aforesaid tract of land south 52 degrees 39 minutes 04 seconds east, a distance of 733.07 feet to a point, said point being marked by a found galvanized nail set in concrete;

thence along lands now or formerly of the State of New Jersey (Department of Environmental Protection) south 27 degrees 13 minutes 11 seconds east, a distance of 364.72 feet to a point, said point being marked by a found monument;

thence still along said lands south 54 degrees 22 minutes 11 seconds west, a distance of 155.40 feet to a point, said point being marked by a found monument;

thence still along said lands south 13 degrees 06 minutes 47 seconds east, a distance of 197.51 feet to a found monument;

thence still along said lands south 11 degrees 10 minutes 08 seconds east, a distance of 202.01 feet to a point in the center of Caven Creek;

thence along the centerline of Caven Creek in a general northeasterly direction the following ten courses:

north 72 degrees 56 minutes 02 seconds east, a distance of 0.67 feet;

north 62 degrees 23 minutes 54 seconds east, a distance of 7.44 feet;

north 64 degrees 27 minutes 24 seconds east, a distance of 14.20 feet;

north 68 degrees 20 minutes 06 seconds east, a distance of 9.14 feet;

north 66 degrees 13 minutes 24 seconds east, a distance of 44.49 feet;

north 65 degrees 55 minutes 31 seconds east, a distance of 18.62 feet;

north 52 degrees 14 minutes 36 seconds east, a distance of 32.36 feet;

north 47 degrees 53 minutes 41 seconds east, a distance of 33.25 feet;

north 52 degrees 44 minutes 00 seconds east, a distance of 18.17 feet;

north 63 degrees 21 minutes 24 seconds east, a distance of 5.62 feet;

thence along a new line south 04 degrees 53 minutes 00 seconds west, a distance of 141.80 feet to a point;

thence still along a new line south 10 degrees 11 minutes 02 seconds east, a distance of 203.89 feet to a point;

thence still along a new line south 04 degrees 53 minutes 00 seconds west, a distance of 350.00 feet to a point;

thence still along a new line south 02 degrees 42 minutes 32 seconds east, a distance of 410.00 feet to a point;

thence still along a new line south 19 degrees 14 minutes 44 seconds east, a distance of 105.40 feet to a point;

thence still along a new line south 05 degrees 44 minutes 29 seconds east, a distance of 151.21 feet to a point;

thence still along a new line south 09 degrees 29 minutes 34 seconds east, a distance of 270.90 feet to a point;

thence still along a new line south 0 degrees 45 minutes 47 seconds east, a distance of 224.44 feet to a point;

thence still along a new line south 06 degrees 49 minutes 07 seconds west, a distance of 123.96 feet to a point;

thence still along a new line south 22 degrees 04 minutes 07 seconds west, a distance of 531.58 feet to a point in the southerly edge of an existing 41.30 foot wide concrete pier;

thence south 44 degrees 26 minutes 38 seconds west, a distance of 6.87 feet to a point; thence north 47 degrees 47 minutes 04 seconds west, a distance of 231.00 feet to a point;

thence south 44 degrees 16 minutes 49 seconds west, a distance of 26.34 feet to a point; thence along the northeasterly line of lands now or formerly of the United States Government (Caven Point Marine Base) north 45 degrees 30 minutes 22 seconds west, a distance of 1,000.00 feet to a point;

thence along the northwesterly line of lands now or formerly of the United States Government (Caven Point Marine Base) south 43 degrees 36 minutes 47 seconds west, a distance of 100.00 feet to a point in the northeasterly line of an existing 100 foot sewer easement granted to the City of Jersey City (Richard Street Sewer) as set forth in Deed Book 1402, Page 449;

thence along the same north 45 degrees 37 minutes 46 seconds west, a distance of 553.25 feet to an angle point;

thence still along said sewer easement line north 14 degrees 24 minutes 21 seconds west, a distance of 195.88 feet to a point, said point being the intersection of the sewer line with the projection of the northeasterly line of the above mentioned lands now or formerly of the United States Government (Caven Point Marine Base);

thence along said projected new line north 45 degrees 30 minutes 22 seconds west, a distance of 186.13 feet to a point;

thence along a new line north 88 degrees 14 minutes 02 seconds west, a distance of 1,184.70 feet to a point;

thence along lands now or formerly of the Trustee of the Lehigh Valley Railroad north 49 degrees 07 minutes 25 seconds west, a distance of 340.40 feet to a point in the southeasterly right-of-way line of Route 185;

thence along a new line north 54 degrees 19 minutes 18 seconds east, a distance of 253.59 feet to a point;

thence still along the same north 54 degrees 53 minutes 41 seconds east, a distance of 100.00 feet to a point;

thence still along the same north 54 degrees 19 minutes 18 seconds east, a distance of 395.99 feet to a point;

thence still along the same south 86 degrees 50 minutes 15 seconds east, a distance of 177.10 feet to a point;

thence still along the same south 45 degrees 31 minutes 04 seconds east, a distance of 57.24 feet to a point;

thence still along the same north 44 degrees 28 minutes 56 seconds east, a distance of 50.00 feet to a point;

thence still along the same north 05 degrees 16 minutes 41 seconds east, a distance of 210.44 feet to a point;

thence still along the same north 54 degrees 19 minutes 18 seconds east, a distance of 444.08 feet to a point;

thence still along the same north 53 degrees 44 minutes 55 seconds east, a distance of 100.00 feet to a point;

thence still along the same north 54 degrees 19 minutes 18 seconds east, a distance of 233.24 feet to a point of tangency;

thence still along the same and along a curve to the left having a radius of 10,061.00 feet, an arc distance of 100.61 feet to a point of compound curvature;

thence still along the same and along a curve to the left having a radius of 4,061.00 feet, an arc distance of 50.76 feet to a point of compound curvature;

thence still along the same and along a curve to the left having a radius of 2,661.00

feet, an arc distance of 102.35 feet to a point of compound curvature;

thence still along the same and along a curve to the left having a radius of 2,061.00 feet, an arc distance of 428.08 feet to a point in the southwesterly line of Caven Point Road;

thence still along the same south 52 degrees 42 minutes 47 seconds east, a distance of 50.00 feet to an angle point;

thence still along the same north 37 degrees 17 minutes 13 seconds east, a distance of 50.00 feet to an angle point;

thence still along the same north 52 degrees 42 minutes 47 seconds west, a distance of 47.22 feet to an angle point;

thence still along the same north 31 degrees 21 minutes 52 seconds east, a distance of 359.61 feet to the point and place of beginning.

(2) All that piece or parcel of land, containing 18 acres more or less, situate on the northwesterly side of New Jersey State Highway Route 185, more particularly described as follows:

Beginning at a point in the southeasterly right-of-way line of lands now or formerly of Lehigh Valley Railroad Company (National Docks Branch), said point being the intersection of said line with the southwesterly lines (if projected) of lands now or formerly of the United States Government (Caven Point Army Terminal);

thence south 45 degrees 37 minutes 46 seconds east along said southwesterly line of U.S. Government property 830.84 feet to a point in the northwesterly right-of-way line of New Jersey State Highway Route 185;

thence along the same line south 44 degrees 28 minutes 56 seconds west along a line 39.06 feet to a point;

thence along the same line south 05 degrees 16 minutes 48 seconds west along a line 210.45 feet to a point;

thence along the same line south 54 degrees 19 minutes 18 seconds west along a line 427.65 feet to a point;

thence along the same line south 53 degrees 44 minutes 55 seconds west along a line 100.00 feet to a point;

thence along the same line south 54 degrees 19 minutes 18 seconds west, along a line 182.76 feet to a point of intersection with a northeasterly line of land now or formerly of the trustee of the Lehigh Valley Railroad;

thence north 49 degrees 07 minutes 25 seconds west along said line and also along lands now or formerly of the Linden Urban Renewal Association 724.48 feet to a point in the aforesaid southeasterly right-of-way of the Lehigh Valley Railroad Company;

thence north 37 degrees 13 minutes 52 seconds east along the same line 953.84 feet to the point or place of beginning.

Page 399, after line 5, insert the following:

Sec. 1199k. (a) The Secretary may enter into a contract providing for the payment or recovery of an appropriate share of the costs of a project under his responsibility with a Federal Project Repayment District or other political subdivision of a State prior to the construction, operation, improvement, or financing of such project. The Federal Project Repayment District shall include lands and improvements which receive identifiable benefits from the construction or operation of such project. Such districts shall be established in accordance with State law, shall have specific boundaries which may be changed from time to time based upon further evaluations of benefits, and shall include the power to collect a portion of the transfer price from any transaction involving the sale, transfer, or change in beneficial ownership of lands and improvements within the district boundaries.

(b) Cost recovery pursuant to the provisions of this section shall be deemed to meet cost recovery requirements of our provisions of Federal law if the economic study required by subsection (c) of this section demonstrates that income to the Federal Government equals or exceeds that required over the term of repayment required by that cost recovery provision.

(c) Prior to execution of an agreement pursuant to subsection (a) of this section, the Secretary shall require and approve a study from the State or political subdivision demonstrating that the revenues to be derived from a contract under this section, or an agreement with a Federal Project Repayment District, will be sufficient to equal or exceed the cost recovery requirements over the term of repayment required by Federal law.

(d) The Secretary is authorized to participate with appropriate non-Federal sponsors in a project to demonstrate the feasibility of non-Federal cost sharing for ports and harbors under the provisions of Subsection (a) through (c). Such project shall consist of the project for navigation, flood control, and protection of the Seal Beach Naval Weapons Station at Sunset Beach Harbor, Bolsa Chica Bay, California at an estimated cost of \$89,600,000, including such modifications as the Secretary may determine are advisable and upon execution of agreements by the State of California and/or local sponsors for preservation and mitigation of wetlands areas and appropriate financial participation. The Secretary may not undertake construction without the concurrence of the Secretary of the Navy on measures to protect the Naval Weapons Station. The Secretary shall, not later than two years after the date of enactment of this Act, make a determination of financial feasibility of the project and transmit a copy of a final feasibility study and a copy of any

final environmental impact statement required by section 102(2)(c) of the National Environmental Policy Act of 1969, and any recommendations of the Secretary, with respect to such project to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. No appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such committee. Agreements for local financial participation shall include the repayment agreements set forth in subsection (a) so as to meet up front cost contributions as required by federal law together with full amortization of the remaining federal investment including costs of project feasibility studies.

—At the end of title XI, insert the following new section:

Sec. 1199K. The Secretary is authorized and directed to remove polluted bottom sediments, at full Federal expense, from the Miami River and Seybold Canal in Miami, Florida, between the mouth of the Miami River and the salinity control structure at 36th Street. Local interest shall furnish all lands, easements, rights-of-way, relocations, and alterations necessary for initial dredging and subsequent maintenance before the Secretary removes any such sediments.

—At the end of title XI, add the following new section:

Sec. 1199K. The Secretary is authorized to rehabilitate the Eisenhower and Snell Locks, Saint Lawrence River, Massena, New York, in accordance with the Reconnaissance Report prepared for the Saint Lawrence Seaway Development Corporation by the district engineer for the Buffalo District, dated November 1984 and revised February 1984, at full Federal expense.

By Mr. WEAVER:

(Amendment to the amendment in the nature of a substitute (text of H.R. 3670)).

Page 308, after line 23, insert the following:

Sec. 1006. (a) The project for Elk Creek Lake, Rogue River Basin, Oregon, authorized by the Flood Control Act of 1962, is not authorized after the date of the enactment of this Act.

(b) Notwithstanding subsection (a), the Secretary is authorized to complete construction of any road that was begun before the date of enactment of this Act as part of the project described in subsection (a).

Page 308, after line 23, insert the following:

Sec. 1006. (a) The project for Elk Creek Lake, Rogue River Basin, Oregon, authorized by the Flood Control Act of 1962, is not authorized after the date of the enactment of this Act.